

Kashmir
And
National Conference and
Politics (1975-1980)

By
ABDUL JABBAR GANAI
(Bangali)

February, 1981



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However, with the help of the Government of Jammu and Kashmir, I was able to complete my dissertation. I am grateful to the Government of Jammu and Kashmir for the financial assistance provided to me. I am also grateful to the Government of Jammu and Kashmir for the facilities provided to me. I am also grateful to the Government of Jammu and Kashmir for the facilities provided to me.

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Prof. A.J. Ganai
(Bengili)

PREFACE

This Dissertation "The National Conference and the Politics of Jammu and Kashmir : 1974-80" examines the trends of politics of the National Conference from the assumption of its power in 1975 uptil the controversy over the Re-settlement Bill of 1982. Although the researcher was required to lay emphasis on the period specified in the topic, but the exigencies of political situation which cropped up after the presentation of the above mentioned Bill by the National Conference, it has been found interesting to extend the scope of the present study beyond 1980. Consequently, it has been hypothetically established that the dominance of one political party, under the charismatic leadership of Sheikh Mohammad Abdullah in all its phases—be it the freedom struggle launched in 1931, by the National Conference, or the accession of Kashmir to the Indian Union after independence in 1947, coupled with the arrest of the star campaigner in 1953 and his release from the jail at many occasions from 1958 to 1972 and the conclusion of Kashmir Accord, the politics has been practically been dominated by the National Conference at all stages.

This study has been divided into five chapters. The first chapter is the exordium of the National Conference and the second explains the politics of plebiscite in the State. The third chapter dealing with the resurrection of the National Conference also calls for the events that followed the resurrection. The last two chapters are devoted to the issues and pursuits and giving a political sequel to the problems and promises which the Conference had to confront before the assumption of power in 1975.

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The first of these is the fact that the British and French governments have been unable to reach an agreement on the terms of a new treaty of commerce and navigation between the two countries. This is due to the fact that the British government has insisted on the inclusion of a clause which would give the British government the right to intervene in the internal affairs of the French Republic. The French government has refused to accept this clause, and the two governments have been unable to reach an agreement on the terms of a new treaty.

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Acknowledgement

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CHAPTER I

Exordium of the National Conference

It is not difficult, after W.H. Morris-Jones, to characterize Kashmir political system "as belonging to the type of the one dominant party",¹ since 1931. Similarly it is not arduous to locate the causes for its dominance. The emergence of the National Conference as dominant political party is direct consequence of its inception as the party fighting for freedom and emancipation prior to 1947. There was no organised political force in existence in the State till 1932. Kashmir valley out of all the regions of the State was first to experience political upsurge in 1931. The immediate cause of which was the defilement of the holy Quran at Jammu and the expectancy of the court trial of one Abdul Qadeer Khan, whose infuriating speech at Khanqah-i-Mualla, had created smearing discontent in Srinagar. Further, the Muslim majority was made conscious of their abject poverty, of their rights and liberties, by a small educated Muslim group,² whose one friend founded as early as 1930, a Reading Room, at Syed Ali Akbar in Srinagar.³ The main objective of uniting into a friendship was to inculcate amongst the people the sense of rebellion and revolt through political discussion and newspaper reading.⁴ Consequential upon this

1. Morris-Jones, W.H. *The Government and Politics of India*, Hutchison University Press, Library, London, 1967, p. 148.
2. Sheikh Mohammad Abdullah, Mohd. Rajab, Qazi Saif-ud-din Qadri and Ghulam Ahmad Mukhtar.
3. Rashid Taseer, *Tehreek-i-Hurriyat-i-Kashmir*, (Urdu), Muhafiz Publications Srinagar, vol. I, 1968, p. 77.
4. *Ibid*.

desire an organization was formed later in the year 1932—the venue for its inception was the Pather Masjid at Zainakadal.⁵ The name of this organization was baptised as the All Jammu and Kashmir Muslim Conference. On this occasion, it is believed, the Mosque had been converted into a shrine owing to the presence of about three lacs of people attending the convention. However, the idea of formation of the party had earlier been conceived in the Central Jail, where all the leaders were jailed after 13th July, 1931 upheaval.⁶

The Muslim Conference committed itself to the following :

- (a) To organise the Muslims of the State and secure for them their rights.
- (b) To struggle for the improvement of their economic and cultural lot.
- (c) To liberate them from the disabilities they laboured under.

The party further, through its resolutions, in an open session at Pather Masjid, envisaged :—

- (i) Property not to be confiscated on account of conversion of a person from one religion to another. (It was a practice during Dogra Rule).
- (ii) The recruitment to the administrative posts to be made in proportion to the various communities of the population.
- (iii) Land revenue to be reduced.
- (iv) Recruitment to State Army to be opened to all communities.

- 5. Teng, Kaul, *Kashmir Constitutional History and Documents*, Light and Life Publishers, New Delhi, 1977, p. 87.
- 6. Mahaz Srinagar (Urdu), Weekly, vol. I, 1931—39, p. 137.

- (v) Freedom of speech and expression to be guaranteed.
- (vi) Political prisoners to be released unconditionally.⁷

Thus, the Muslim Conference, entered the arena of politics of the State, determining its future course, without going to examine its nature, emerged to secure the socio-economic betterment of the people. It consequently resulted in the participation of the people in the struggle. The leaders of the other communities were invited to involve themselves in the politics of the struggle, which later culminated in the conversion of the Muslim Conference into the National Conference. Writes P.N. Bazaz, "Prem Nath Bazaz and a number of Kashmiri Pandits soon realized that the movement was spontaneous and expressed the inner urge of the down-trodden, tyrannized and suppressed millions under the autocratic alien Dogra rule. They also realised that it would be suicidal to oppose it and instead of showing any hostility towards it, it was the paramount duty of all patriots to support it, may contribute their humble share to make it successful."⁸ This assertion, further, is testified by the Sheikh in his Presidential address at the meeting of the Muslim Conference in 1932. He claimed, "We stand to fight for the rights of all communities. The progress of the people of the State is liable to be thwarted if we do not establish amicable relations between the different communities. This is possible only when each community learns to appreciate the viewpoint of other communities."⁹

Earlier the spontaneous upsurge on 13th July, 1931 was politically an important event in the history of Kashmir. From this day the struggle for independence and freedom in

- 7. Teng, Kaul, Bhati, *Kashmir Constitutional History and Documents*, Light and Life Pub. New Delhi, 1977, p. 187.
- 8. Bazaz, P.N., *Struggle for Freedom in Kashmir*, Kashmir Publishing House, Srinagar, p. 154.
- 9. Koul, Gwashlal, B.A. *Kashmir : Then and Now*, Chronical Publishing House, Srinagar, pp. 104-105.

the most modern sense started openly."¹⁰ Without examining its merits and demerits as communal or secular event, it made the Muslim Conference and latter the National Conference, to determine the course of Maharaja's politics. The Maharaja had earlier promised, on the occasion of the Rajtilak ceremony in 1926, before distinguished guests, a number of boons,¹¹ but none of these could pacify or appease the Muslim population of the State. These boons were only to perpetuate the age old system of feudalism. Consequently, the upheaval of July 1931, in terms of Bazaz, shook the whole State including the administration and unnerved the Maharaja.¹² The Maharaja, in keeping with the rules of the game of politics, initiated various Commissions of Enquiry or Commissions of recommendatory nature, but he could not meet the challenge that was posed to his authority.

The Muslim Conference and later the National Conference had come to determine politics but the former in its inception had to grapple with a two-fold problem. One of the problems was that non-Muslims were to be assured that the freedom struggle was common between them and the Muslims. Second, which emanated from the first, was the problem of those of the workers, who would not like to convert a communal into a secular type of political organization. Consequently, the logistics of party politics demanded the removal or isolating of those members who either believed in two-nation theory or in sabotaging the party (Muslim Conference) for personal ends. Whether, there was any substantive difference between different sections of the people or not, the leadership of the

10. Bazaz, P.N. *Struggle for Freedom in Kashmir*, 1954, p. 154.

11. *Government of Jammu and Kashmir. A Handbook*, Ranbir, Govt. Press, Jammu, 1947, p. 31.

12. Bazaz, P.N., *Struggle for Freedom in Kashmir*, 1954, p. 155.

Muslim Conference made it to appear so much acute that those who dissented or did not subscribe to the ideology of the National Conference were weeded out of the organization. Thus the conflict of these groups resulted into the hurling of nicknames or damaging the reputation of the leaders. The Sheikh was blamed having the beliefs of Ahmadiya sect,¹³ and many others were divided on ideological acrimony. The cleavages were manifest through Yuvak Sabha, representing Kashmiri Pandits, Unjaman-i-Islahi Rasoom of Molvi Mohd. Syeed Masoodi, a group for reforming Muslims, Unjaman-i-Ithadul Muslimeen of Ghulam Nabi Gilkar, and Dogra Sabha of Jammu, Youngmen's Muslim Association.¹⁴ However, these cleavages did not thwart the course of the revolutionary action against the despotic Maharaja. Actually, in its operative part, the Muslim Conference determined the actions of the Maharaja. It decided the course of political history of Kashmir right from 1932 to 1947.

Retooling Politics

The history of the Muslim Conference is nothing but the record of the struggle of the middle and upper class Muslims for achievement of their class rights,¹⁵ yet the leadership of the party soon realised that the Muslim Conference could not appeal to all sections of the people in a country with a multi-religious and a multi-lingual society. They decided to retool politics against the forces that stood in their way. Consequently, in the sixth session of the National Conference, they gave a call to all the people of the State, to cooperate in the struggle for freedom. The leadership had visualized that the Maharaja and other forces of reaction could exploit the situation against the Muslim Conference. "A few young Muslim leaders including Abdullah began to think of reorien-

13. Rashid Taseer, *Tehreek-i-Hurriyat-i-Kashmir*, vol. I. Muhafiz Publications, Srinagar, pp. 76-84.

14. Ibid., p. 80.

15. Sharma, *Kashmir Awakes*, Vikas, p. 69.

ting the Muslim politics on broader, healthier and non-communal lines."¹⁶

The leadership of the Muslim Conference started negotiations with the other communities, including the Pandits of Kashmir and while Mr. Prem Nath Bazaz and the Sheikh had many rounds of talks to arrive at a common platform, the sixth session of the Muslim Conference marked a desire of retooling the politics of the State on secular basis. In the Presidential address of the Muslim Conference, on the 26th March, 1938, Sheikh Abdullah observed :

"Like us the large majority of Hindus and Sikhs in the State have immensely suffered at the hands of the irresponsible government. They are also steeped in deep ignorance and are in debt and starving. Establishment of responsible government is as much a necessity for them as for us. Sooner or later these people are bound to join our ranks. No amount of propaganda can help to keep them away from us."

"The main problem therefore now before us is to organize joint action and a united front against the forces that stand in our way in the achievement of our goal. This will require re-christening our organization as a non-communal political body and introducing certain amendments in its Constitution and rules."¹⁷

These were the convictions of the leadership of the Muslim Conference and consequential upon it the organization was converted to the National Conference on 11th June, 1939. The resolution adopted to this end is self-revealing. It said,—

16. Bazaz, P.N. *Struggle for Freedom in Kashmir*, Kashmir Publishing Company, p. 164.

17. *Ibid.*, p. 168.

"Whereas in the opinion of the Working Committee the time has now come when all the progressive forces in the country should be rallied under one banner to fight for the achievement of responsible government, the Working Committee recommends to the General Council the name and the Constitution of the organization be so altered and amended that all such people who desire to participate in this political struggle may easily become members of the Conference irrespective of their caste, creed or religion."¹⁸

Thus, the Muslim Conference retooling politics of their struggle, gave its organization a national character. A mass participation was envisaged and people's acceptance of the National Conference ideals was forthcoming. This retooling of politics made, Gopalaswamy Ayyenger, the then Prime Minister of the State, uneasy. The government tried to thwart the holding of the Muslim Conference preliminary session for ratification of the resolution passed by the Working Committee. A manifesto was, therefore, prepared, bearing the signatures of all prominent Hindu, Muslim and Sikh leaders so that people were not misled by the government. The manifesto is known as "National Demand"¹⁹ The government, after the publication of "National Demand", took to the methods of repression and oppression. Hundreds and thousands of the workers, including the prominent leaders from each community were arrested. Repression, however, strengthened the forces of nationalism in the State. Realizing it, writes P.N. Bazaz, N. Gopalaswami Ayyenger released all imprisoned leaders including the signatories to the National Demand. Thus the National Conference entered the arena of politics determining its future course.

The release of the National leaders, resulted in their

18. *Ibid.*, p. 169.

19. *Ibid.*

departure to All India State People's Conference for participation as the delegates from the State. This conference was presided over by Pt. Jawaharlal Nehru. The conference was held in Ludhiana and Pt. Nehru in his presidential address referred to the repression perpetuated against the people of the State of Jammu and Kashmir.²⁰ The State Peoples' Conference established a branch in the State of Jammu and Kashmir as well. This branch initiated a programme of processions and meetings to further strengthen the struggle for freedom.²¹ Later, under the leadership of the Sheikh a delegation to participate in the Congress session at Tripura was to further the counter propaganda which reactionaries were spreading against the freedom struggle in the State.²² Actually, by this time the Kashmir struggle for freedom movement was being run on the pattern of nationalism as propagated by the National Congress.²³ Consequently, the Indian National Congress was helping the State leadership, to evolve the movement on secular and socialist outlook. At the end of the Tripura Congress Meet, many leading and prominent leaders of the Indian National Congress were invited to visit Kashmir by the State leadership.²⁴

During the period between 1939 and 1947, the politics of the State was, by and large, determined by the National Conference. Though the Maharaja and the reactionaries tried

20. Rashid Taseer, *Tehreek-i-Hurriyat-i-Kashmir*, (Urdu), Muhafiz Publications, Srinagar, pp. 35-41.

21. Pt. Jia Lal Kilam, Ghulam Mohammad Sadiq, Mohan Krishen Tickoo, Mian Ahmad Yar Khan, Pt. Sham Lal Saraf, Qureshi Mohd. Yousuf participated.

22. Those who participated included P.N. Bazaz, Maulana Sayeed Masoodi and Bakhshi Ghulam Mohammad.

23. Rashid Taseer, *Tehreek-i-Hurriyat-i-Kashmir*, Muhafiz Publications, pp. 42-43.

24. *Ibid.*, p. 44.

to control politics of the State, through their common techniques, yet they failed in it. They launched Shia-Sunni feuds, a small group on the communal basis decided to revive the Muslim Conference and the Arms Act was passed but all these political and administrative manoeuvres failed in suppressing the movement for freedom in the State. For example, no doubt, the second World War subdued State politics but the National Conference continued to work and prepare a strong cadre having a base in the people. When the Royal Commission acted in contravention to the outlook of the leadership in the State and while it became unpopular²⁵ the National Conference withdrew its two members Mr. Beg and Mr. Sadiq from the Commission. While doing so they submitted to the Maharaja a comprehensive plan for the economic, social, political and cultural reconstruction of the State. The plan was subsequently published and has come to be known as "Naya Kashmir" manifesto. The manifesto was adopted in the annual session of the National Conference held at Sopore on 29th and 30th September, 1944, with a unanimous vote.

The New Kashmir Manifesto was divided into two parts : (i) The Constitution of the State and (ii) The National Economic Plan. The first part deals with, citizenship, National Assembly, Council of Ministers, Ruler, Justice, Local Administration and the national language. The citizenship of the State envisaged freedom of press, assembly and meetings, processions and demonstrations. It also declared non-violative the privacy of home and secrecy of correspondence.²⁶ Every citizen is obliged to train himself to use and would be ensured the right to bear arms. Universal compulsory military service would be established by law. All citizens would have the right to work, that is, the right to receive guaranteed work

25. Bazaz, P.N., *Struggle for Freedom in Kashmir*, p. 217.

26. *Ibid.*

and the right to rest. Other features of the Manifesto relate to :

1. All students to have the right to education.
2. Women of all classes to have equal rights in the national life.
3. Protection of all citizens under law and recourse to the Courts for redress.
4. National Assembly to be elected by the electorate on the basis of one representative for 40,000.
5. High Court of justice to be the highest court.
6. Panchayats at village, tehsil and district levels.
7. Urdu to be lingua franca of the State.²⁷

The National Economic Plan is divided into (a) Production, (b) Transport, (c) Distribution, (d) Utility services and (e) Currency and finance. The production was to be for use and not for exchange and the objective was to provide a reasonable standard of living for all people in the J & K State. The basic principles of agricultural plan would be abolition of landlordism, land to the tiller and cooperative association, feeding the people and peoples' control of the forests. A National Agricultural Council would be set up in the State to execute and supervise the national agricultural plan. The manifesto declared that all key industries must be in the hands of the people's government²⁸ and therefore enumerated the following basic principles :

1. Abolition of Capitalism

27. *Naya Kashmir*. Published by Maulana Masoodi through Pt. Badri Nath, Manager Nishat Press, Srinagar n.d., pp. 27-49.

28. Bazaz, P. N., *Struggle for Freedom in Kashmir*, p. 218.

2. Industries to be owned by the State
3. Forbidding monopoly whether formal or informal²⁹.

Consequential upon the publication of the scheme provided in the Naya Kashmir, the politics of the manifesto entered into a new phase till the movement was launched under "Quit Kashmir" slogan. Through the politics of the Naya Kashmir, the people in its totality swung to the National Conference and public opinion was made so conscious that the Maharaja and the reactionaries were frustrated. The Ruler could neither control the State masses nor could through any device win them over. The "Quit Kashmir" movement was launched on the style and after the manner of Quit India movement of Mahatma Gandhi. This movement was directed against the Dogra autocratic ruler. Some groups, particularly Dogras opposed it on the ground of its inimical nature to Dogra community as a whole³⁰. The politics of the State was, consequently, determined by the National Conference from 1931 onwards and the common tool was that "the Movement was launched not against the Maharaja or Dogras, but against one hundred year old Transaction (the Treaty of Amritsar) of the Dogras³¹." The uprising was dealt with a firm hand but people were prepared at the instance of the National Conference to resist any suppression. The oppression was so acute that even were, while on their normal movements, made to raise pro-Maharaja slogans³². This movement entered such a

29. *Naya Kashmir* : Published by Maulana Masoodi, n.d., pp. 49-96.

30. Bhagwan Singh, *Political Conspiracies of Kashmir*, Light and Life Jammu, p. 37.

31. Bansi Nirdosh, *Subhai Sadiq* (Urdu) G.M. Sadiq's statement, Central Stationery Mart, Booksellers, Habbakadal, p. 101.

32. The people were made to raise the slogan, "Maharaja Ki Jai" but they reverberated the slogan "Maharaja Ki Jai".

phase of history in due course of time that Maharaja was convinced of its gravity and challenge to his throne.

The situation was further aggravated by the visit of Pt. Nehru to Kashmir on the eve of his appointment as Vice-President of interim government. He had come to help the release of the Sheikh, who had been arrested in view of the slogan of the "Quit Kashmir". Secondly, he desired to enhance the prestige of the nationalists who sustained the movement for sometime. In June, 1946, he decided to visit the valley despite the advice of many friends and colleagues not to visit³³. However, he (Pt. Nehru) was stopped at Domel and arrested. Consequently, he had to abandon the visit to the valley and had to leave back. This arrest of Nehru brought a condemnation for the Maharaja from the Congress India and really enhanced the Sheikh's position. Nehru made some sensational statement against the Kashmir government on his return to Delhi. Nehru said : "Srinagar has become the city of dead"³⁴.

The Maharaja of the State, not alive to the changing political realities, of the emergence of two separate States, on accepting the principle of partition underlying the Mountbatten Plan betrayed total political bankruptcy. He did not conceive the future uncertainty of the State. Consequently, the post-partition period in the Indian sub-continent witnessed in Kashmir more uncertainty than any other princely State of India³⁵. Lord Mountbatten visited Kashmir in June 1947 and in August independence had to be granted to India. Both India and Pakistan were interested in having Kashmir with them. Lord Mountbatten found his host, the Maharaja in

33. P.N. Bazaz, *Struggle for freedom in Kashmir*, 1954., p. 261.

34. *Ibid.*, p. 260.

35. Mansoor Fazili, *Socialist Ideas and Movements in Kashmir*, Eureka, Delhi, 1980, p. 2.

defensive mood, "Unable to face upto the great problems which sooner or later would inevitably present themselves. Attractive as the temptations of isolated independence were it was clear that he would receive the worst of the two worlds. Pakistan would be plotting to remove the Hindu Dynasty from continuing to rule a Mohammadan people, while the Indian Government, through Sheikh Abdullah, would be seeking his downfall as an enemy of the neighbouring progressive democracy."³⁶

The problems which certainly presented could not be faced by the Maharaja. Pakistan was hostile, India was suspicious, Muslims in Poonch rebelled, volunteers of the R.S.S. Akali Sikhs and the INA entered Jammu and above all armed men infiltrated into Kashmir from Pakistan, and free flow of goods and necessities of life was stopped³⁷. The Maharaja had lost and the National Conference had won. The former acceded to India and in a letter dated Oct. 26, 1947, Hari Singh wrote to Lord Mountbatten, the Governor-General of India "with the conditions obtaining at present in my state and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian dominion. Naturally, they can not send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so and I attach the Instrument of Accession for acceptance by your government." The letter further added, "I may also inform your excellency's government that it is my intention at once to set up an interim government and ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister."³⁸

36. Lord Birdwood, *Two Nations and Kashmir*, Robert Hale Ltd. London, 1953, p. 38.

37. Manzoor Fazili, *Socialist Ideas and Movements in Kashmir*, Eureka, Delhi, 1980.

38. Hari Singh Ji's letter addressed to Lord Mountbatten, Governor-General of India on October 26, 1947.

Consequential to the accession, the National Conference came to power at the domestic level. At first, Sheikh Abdullah established an emergency government and later a stable ministry. The Maharaja of the State and the Sheikh could not go together—thus the Maharaja abandoned throne on 9th June, 1949, in favour of his son, Yuvraj Karan Singh. The leaders of the National Conference and the Government of India, were interested in instituting a democratic government in the State. This had two objectives—one to make the world to understand that Kashmir was on the way of democracy and secondly it could satisfy the Muslims of the Valley to have their own government. So writes P.N. Bazaz, “was not a Kashmiri Muslim the Prime Minister of the State for the first time during the 102 years old Dogra Rule and were not some more State Muslims in the Cabinet appointed by him? Above all, these Kashmiri Ministers were those public men who had fought for the freedom of Kashmir and enjoyed popularity for several years.”³⁹

Since the assumption of power by the leaders of the freedom struggle, the National Conference further determined the course of the State politics. It, not only administered the State at domestic level but played a vital role at the national as well as international levels of politics, till its fall in 1953. At the domestic front, the first task of the Sheikh's administration was to invite peasants to cultivate free of rent the land they worked upon. All economically privileged persons, Chakdars, Jagirdars, Maufidars and Mukarraries were made to give up their privileges without any compensation to them. This was in conformity with the declared policy of the National Conference to give “land to the tiller.”⁴⁰ The

39. P.N. Bazaz, *Struggle for Freedom in Kashmir*, Delhi, 1954, p. 406.

40. Manzoor Fazili, *Socialist Ideas and Movements in Kashmir*, Eureka, Delhi.

orders with regard to the abolition of Chakdari were issued on July 13, 1950 July 13 being annually celebrated as Martyr's Day, on account of the first rebellion against Dogra Rule. The Constituent Assembly, with regard to it, adopted unanimously the report and recommendations of the Land Compensation Committee which recommended :

“The tiller to whom the excess land from which the big properties are expropriated is transferred ownership right, are an indigent, impoverished and much exploited class by themselves. No question of recovering the price of the lands from them does arise. As a State with limited resources we are too poor to pay compensation out of the State revenues. The financial liability will be of a very serious nature and payment itself will prove incalculably mischievous. Apart from these considerations, there is no moral, economic or social basis for compensation. We, therefore, recommend that both on principle and policy, the payment of compensation would perpetuate the present inequitable distribution of wealth.”⁴¹

The land reforms, thus, received a wide publicity at the national and international levels of politics. P.N. Bazaz said, “Interested Journalists have published new stories and articles about it in such a way that it has become very difficult if not altogether impossible to critically and dispassionately examine the whole issue”⁴²

Furthering their promises on April 4, 1951, the Yuvraj issued a proclamation directing that a Constituent Assembly

41. B.L. Sharma, *Kashmir Awakes*, Vikas, Delhi, 1971, p. 105.

42. P.N. Bazaz, *Struggle for Freedom in Kashmir*, Delhi, p. 496.

shall be constituted forthwith for the purpose of framing a Constitution for the State. The convening of the Constituent Assembly, by itself triggered off the politics of Accession. Though the National Conference did not drift in the beginning from the stand that Kashmir had acceded to India, yet after a short period a confrontation ensued with regard to it, which ultimately caused the fall of the Sheikh. In the beginning, "in the Constituent Assembly, on the crucial issue of the State's accession to India, Sheikh's Abdullah after discussing the various alternatives rejected the possibility of the State's accession to Pakistan or its independent status and strongly advocated that Kashmir's interest lay in its unity with India."⁴³

The very first task of the Assembly was to abolish the rule of the Maharaja and replace him with a Sadar-e-Riyasat to be elected by the Kashmir Legislative Assembly. Yuvraj was elected the first Sadar-e-Riyasat and he took office in 1952. The Assembly also approved of a separate flag for the State to be flown on all normal occasions and limited the use of Indian National flag to formal functions. Soon, after a constitutional confrontation started between the National Conference leadership and the Indian leadership. The Sheikh was always interested in the identification of Kashmir as cultural unit and consequently he said, "Kashmir's accession to India will have to be of a restricted nature" and described that the full application of the Indian Constitution to Kashmir as, "unrealistic, childish and savouring of lunacy". In another speech, two weeks later, he said, "It would be better to die than submit to the taunt that India was our bread-giver. Kashmir is not eager for India's aid"⁴⁴

The emergence of Dogra nationalism as early as 1949,

43. B.N. Mullik, *My Years with Nehru*, Kmr. Allied Publishers, Delhi, 1971, p. 23.

44. *Ibid.*, p. 25.

as the part and parcel of Hindu nationalism further aggravated the situation. "It opened the eyes of the Kashmir nationalists of the National Conference", writes P.N. Bazaz.⁴⁵ The Praja Parishad had three onslaughts on the government of the State. The first in February, 1949, second in the beginning of 1952 and third by the end of the latter year. The first agitation produced no impression as the entire Indian press supported the State leadership,⁴⁶ but the happenings in 1952 were vigorously championed by the Hindu public opinion of India and the Indian press. The result was, as Balraj Puri asserts, an emotional rupture in the relations between the Centre and the State leadership as well as the public opinion.

The constitutional relationship, ensued such an ugly result that Delhi felt to determine it and resolve it. In August 1952, the Delhi Agreement, demarcating the Union and State jurisdiction was approved by the Parliament of India and the State Constituent Assembly on 11 August 1952. Sheikh Abdullah reiterated the constitutional position :

"The Constitution of the Indian Union, therefore, clearly envisages the convening of a Constituent Assembly for the Jammu and Kashmir State which would be finally competent to determine the ultimate position of the State in respect of the sphere of its accession which would be incorporated in the shape of permanent provisions of the Constitution.....I indicated in my inaugural address the scope of the decision which I felt the Constituent Assembly would have to take. I listed four main issues as pertaining to the four main functions of the Assembly, viz., the future of the ruling dynasty, payment of compensation for land transferred to cultivators in the Landed Estate Abolition Act, ratification of the State's accession to

45. P.N. Bazaz, *Struggle for Freedom in Kashmir*, Delhi, 1954, p. 656.

46. *Ibid.*

India, as well as the framing of the Constitution of the State".⁴⁷

The Delhi Agreement recognised common citizenship, head of the State to be an elective office, State flag and Union to go together, President's power to reprieve and commute death sentences, President's power of emergency (Article 352), application of principles of Fundamental rights to Kashmir, and jurisdiction of the Supreme Court to the State in criminal and civil cases and to such disputes which come within the jurisdiction of Article 131 of the Indian Constitution. Financial relations remained undetermined under the agreement.⁴⁸

The Praja Parishad agitation in Jammu, Jana Sangh agitation in Delhi for the complete integration of Jammu and Kashmir with India, Dr. Shyam Prasad Mookerji's death in Srinagar, Sheikh's meeting with some important foreign visitors conceiving an independent Kashmir, and other factors led the Government of India to rethink about the Sheikh and the latter thought India to be secular in name only. Writes B.N. Mullik, "Criticism of the Kashmir government's action in detaining Dr. Mookherji, leading to his death, continued all over India and was particularly vehement in West Bengal for quite some time and Sheikh Abdullah found in this ample support for his own allegation that India was secular only in name but basically communal and so Kashmir could have no honourable place in that country."⁴⁹

47. B.L. Sharma, *Kashmir Awakes*, Vikas, Delhi, 1971, pp. 109-110.

48. M.K. Teng, *Kashmir's Special Status*, Oriental, Delhi, 1975, pp. 190-239.

49. B.N. Mullik, *My Years with Nehru*, Allied, Delhi, 1971, p. 39.

Mullik⁵⁰ believes that the arrest of the Sheikh on August 9, 1953, was his fall from the pedestal, which ultimately was not true. Writes B.N. Mullik,

"We got information that Pir Maqbool Gilani had established contacts with Pakistan and that an emissary was on his way to Tangmarg (near Gulmarg) to meet the Sheikh. Suspicions deepened when the Sheikh suddenly left for Tangmarg on the morning of August 8, the D. Day was automatically determined by the Sheikh's own action, as any further delay might be attended with unforeseen results. The Sadar-e-Riyasat remained steady and did not allow himself to be hustled into action."⁵¹

The action followed the next day. During the night between August 8 and 9, the arrangements for the overthrow of the Sheikh had been completed and he was arrested early August 9, 1953 and was succeeded by Bakhshi Ghulam Mohammad.

Whether inside or outside the jail, the Sheikh and the National Conference continued to determine the course of politics. Earlier in December, 1947, India invoked Article 35 of the U.N. Charter. The article entitles any member to bring any situation before the Security Council whose continuance is likely to endanger international peace and security. Soon after India was disillusioned and Nehru had to admit:

"Instead of discussing and deciding our reference in a straight forward manner, the nations of the world sitting on the Security Council got lost in power politics."⁵²

50. *Ibid.*, pp. 35-47.

51. *Ibid.*, p. 44.

52. P.N. Bamzai, *Kashmir and Power Politics, Late Success to Tashkent*, Metropolitan, Delhi, p. 143.

The case was, however, presented to the U.N. by Mr. Gopalaswami Ayyenger, Indian Minister without Portfolio. He was assisted by Mr. M.C. Setalvad and Sheikh Abdullah. Even Balraj Madhok, contrary to the thinking of the Government of India on Kashmir had to admit on the Sheikh's presence on the Indian delegation in United Nations.

"He was more interested in projecting himself and running down the Maharaja, who was the real legal sanction behind Kashmir's accession to India and Dogra Hindus than in pleading the case of India."⁵³

Consequently, when the Sheikh was arrested, India could not be happy especially at the international front. She had, however, to be content with what they had gained by arresting the Sheikh. Kashmir dispute continued to be harped from Lake Success to the end of Tashkent Agreement. The Simla Agreement and finally the Kashmir accord between the Sheikh and Indira Gandhi, relegated the issue to its basic position to the Indian advantage. But, nowhere from Lake Success to the Tashkent Agreement, can we ignore the role played by the National Conference and the Sheikh. Uptil 1953, the Sheikh and the National Conference were a trump card in the hands of the Government of India both at the national and the international levels. Soon after the fall of the Sheikh, the National Conference led by Bakshi Ghulam Mohammad, who succeeded the former, had to play the politics for a decade at the local and the national level. Later, the Plebiscite Front founded by Mirza Mohammad Afzal Beg, and patronized by the Sheikh played a vital role in the politics of the State. Founded in August 1955, the Front became a trump card for the Government of India for some time. It, in no way, played an important role at the national and international levels.

53. Balraj Madhok, *A Story of Bungling in Kashmir*, Young Asia Publications, New Delhi, n.d., p. 82.

Immediately after the inception of the Plebiscite Front, on account of the Sheikh's charisma and the slogan, it became a stable and irretrievable organization. It initiated its struggle to fight for the self-determination for the people of Jammu and Kashmir.⁵⁴ The founding of the Plebiscite Front and the imprisonment of the leaders, provided a chance for Pakistan, to use the organization against India in international forums. Writes Mullik, "The incriminating letters recovered from Afzal Beg during his second arrest in 1956 had disclosed that regular communication was being maintained between the War Council and the Plebiscite Front leaders. With those in the jail, including Sheikh Abdullah, by means of couriers. One of these letters showed that the Sheikh had sent instructions to equate Pakistan with India in future."⁵⁵ Further, there was also a mention of the letter addressed to the Security Council demanding plebiscite which had been smuggled to Pakistan.⁵⁶ The photostate copy of this appeared in Pakistani papers in January, 1957, simultaneously with its presentation in the Security Council.

The slogan of the organization had the fullest possible support from the people and patronage of the Sheikh. The organization set its goal, coined the new slogans⁵⁷ and promises. During January, 1958, the Sheikh was released and on his way to Srinagar and his arrival in the city, witnessed a rousing welcome for the Kashmir leader. During a public speech the Sheikh remarked,

"Pt. Nehru is a great man, a close associate of mine and I still respect him. It is in the nature of man that dur-

54. Sofi Mohiuddin, *Kashmir*, (Urdu), Sonober, Srinagar, 1977, p. 141.

55. B.N. Mullik, *My Years with Nehru*, Allied, Delhi, p. 65.

56. *Ibid.*

57. The slogan's during Plebiscite Front politics were :
"Our demand Plebiscite", "We want Plebiscite",
"Long Live Abdullah", "This is our country"

ing adversity the flower thrown by a friend appears heavier and more injurious than the stone thrown by an enemy."⁵⁸ The Sheikh was also critical of the leadership of the National Conference, forming the government and challenged their claim of irrevocability of accession. He said, "The present government's claim of Kashmir being integral part of India is a worthless claim", and further added that the government which is not true representative of the people cannot take the finality of accession to the hearts of the people."⁵⁹

The politics of Plebiscite continued from 1955 on to 1975. During this period the Sheikh and his party the Plebiscite Front, on the one hand tried to pressurize the Government of India both at national level and the international level and on the other created a sense of insecurity among the people with regard to their future. During the period the Plebiscite Front workers either remained in jails or were released. The period from 8th January, 1958 to April 30, 1958 (112 days) was the period of attacks on each other. The Sheikh wanted political defeat to the Central leadership and to the State leadership. Consequently, it was alleged that the Plebiscite Front imported arms, explosives, razakars and received money from Pakistan. B.N. Mullik says, "Thereafter Pakistan started sending financial aid to the Plebiscite Front and it came to various personages but a larger part of the money came to Begum Abdullah, who passed on the funds to various members of the Front."⁶⁰ During his release a rumour was afloat that the Sheikh was conspiring to occupy Mujahid Manzil in Srinagar, a political headquarter since 1931, which could be then a venue for Plebiscite Front activities.⁶¹ This being a challenge to Bakshi regime was averted at the eleventh hour.

58. Awaz-i-Haq, (Urdu), Collection of Speeches, SM Abdullah, Plebiscite Front, Peoples Press, Jammu, 1958, p. 25.

59. *Ibid.*, p. 27.

60. B.N. Mullik, *My Years with Nehru*, Allied, Delhi, p. 74.

61. *Ibid.*

The Plebiscite Front activities, with the help of other political parties, in particular Jamat-i-Islami Kashmir, were construed to be secessionist in nature and against the very basis of Indian secularism and federlization during fifties.⁶² Consequently, a case was instituted against the leadership. The features of the case are as under :

- (a) After the arrest of the Sheikh in 1953, his friends, sympathisers, and relations outside the jail started an orgy of violence which took the State government three to four weeks to control.
- (b) Attempt to overthrow the government by means of criminal force.
- (c) To create hostile sentiments against India.
- (d) Establishment of a War Council.
- (e) Contacts with Pakistan to assure support for the National Conference.⁶³

The case, known as Kashmir Conspiracy Case, willy nilly, continued till the theft of sacred relic from the Hazratbal shrines. The sacred relic theft resulted in a politics that changed and modified completely the future course of political history in Kashmir. The complete picture of the place of the Moe-e-Muqaddas after its theft is provided by B.N. Mullik as under :

"December 20, 1963 was the last day when a 'Deedar' of the Moe-e-Muqaddas had been given. This was the Friday following the Miraj-e-Alam. After the Deedar, the Moe-e-Maqaddas had been put back in its place by the Senior Nishan Dez, Rahim Banday, in the afternoon. In the evening of December 26 a private exposition was given to a person by the same Nishan Dez and latter claimed to have replaced the Moe-e-Maqaddas at

62. *The Sunday, Kashmir's anti-National Jamat-i-Islami*, An Ananda Bazar Publications, September 1980, p. 11.

63. B.N. Mullik, *My Years with Nehru*, Allied, Delhi, 1972, p. 72.

the proper place. Thereafter, the Nishan Dez had gone to his home. Besides a few pilgrims who prayed at the mosque till about midnight nobody remained in the mosque prayer hall, which is in front of the room where the Moe-e-Maqaddas was kept. But by midnight due to severe cold all these pilgrims had also left and the prayer hall was empty. In the early morning of December 27, Rahim Banday found that the side door of the passage leading to the room housing the Moe-e-Maqaddas had been broken open and both locks of the inner door leading to the sanctuary had also been forced open. The lock of the front door of the passage had also been forced from inside. The wooden box containing the Moe-e-Muqaddas had been taken out from the small wooden shelf, in which it had been kept, after forcing open the shelf, and the small bag containing the tube with the Moe-e-Muqaddas inside had been removed leaving the velvet covering, the trappings and the wooden box behind in the shelf."⁶⁴

The news about the loss of the Moe-e-Muqaddas travelled like wild fire in the valley—from Khannabal to Khadanyar. Large crowds started collecting at the mosque from early morning through afternoons till evening protesting against the theft. They demanded its restoration and punishment for those who had committed the crime. The agitation continued for complete seventeen days and the disappeared relic had been reconverted but the politics it initiated was of an intriguing nature. It led to a total but minirevolution in the State causing great worry to the Central government. B.N. Mullik saw everything closed in Srinagar offices, schools, shops, cinemas and restaurants.⁶⁵ An Action Committee had been formed and Maulana Farooq had been appointed its President. The protestations ultimately led to

64. B.N. Mullik, *My Years with Nehru*, Allied, Delhi, pp. 119-120.

65. *Ibid.*, p. 128.

politics. The slogans were raised in favour of the release of the Sheikh and his workers. The Government of India had been successful in obtaining a consensus for a change in the Kashmir government with G.M. Sadiq as the Chief Minister (then the office was designated as the Prime Minister). This episode changed the entire thinking of Government of India with regard to Kashmir. During the period Nehru's mind is well described by B.N. Mullik in the following words :

"The Prime Minister started by saying that even after fifteen years of association, if Kashmir still remained in such an unstable state that even on a simple issue like the Moe-e-Muqaddas the people could be so provoked as to rise in defiance of the government, then, in his opinion a new approach had to be made and a radical change in our thinking about Kashmir was called for. He said that he felt disappointed that after all what had been done for the people of Kashmir they were apparently still dissatisfied and though much of this dissatisfaction was due to a certain amount of misgovernment, all of it could not be ascribed to that cause. He also felt that Sheikh Abdullah still had a strong hold on the people of Kashmir and in the changed circumstances, no political settlement in the Valley could be thought of without bringing him in. It was, therefore, desirable that he should be released and to that extent he supported Sadiq, though he felt unhappy that this decision had been taken by him unilaterally and an announcement had been made without consulting the Government of India."⁶⁶

The Sheikh was released and the State politics entered a new era with two phases. The first phase was a confrontation between the Sadiq government and the Sheikh and the second phase related to the reconciliation between the Sheikh and the Central government.

66. *Ibid.*, p. 172.

At the domestic level, there had emerged three forces—Sadiq in the government, Maulana Farooq as the leader of the Moe-e-Muqaddas movement and the Sheikh as the man of charisma, leaving Bakhshi group as a defeated group. There was Sheikh Abdullah's group frustrated and consequently "shouting wild". It was not possible for a leader of about 34 years standing to recognize a 'political mushroom'. The classes amongst various groups ensued. Bakra versus Gada (goat Versus fish)—goat representing Maulana Yousuf Shah and fish representing Sheikh Abdullah,⁶⁷ was an old politics of phenomenal dissension. Further, Sadiq, in view of Bakhshi's possible political truency and stablizing his position sought the goodwill of the Centre by converting his National Conference into the Congress having affiliations and becoming part of the Indian National Congress.⁶⁸ The Sheikh, therefore, decided to challenge not only the Bakhshi National Conference but also Congress, Maulana Farooq's Awami Action Committee and other forces in the State. He faced the Congress, which under the leadership of Sadiq, was trying to erode the special position of the State⁶⁹ through social boycott. The confrontation between the Sheikh's Plebiscite Front and the Congress was acute and discouraging for the ruling party and the Centre.⁷⁰

Politics of the State did not stop here. From domestic rivalry amongst the "political mushroom", the Sheikh and his Lieutenant Beg, left for pilgrimage to Mecca, in 1965. During their outside tour, they met Chou-En-lie, the Chinese

67. G.L. Koul, *Kashmir: Then and Now*, Chronicle, Srinagar, p. 160.

68. Sofi Mohiuddin, *Kashmir*, Sonobar, Srinagar, 1977, pp. 178-179.

69. Articles 356 and 357 of Indian Constitution, jurisdiction of the Supreme Court over the State and conversion of designations of Sadr-e-Riyasat into Governor and of Prime Minister into Chief Minister, were applied and carried during Sadiq's time of governance.

70. *Ibid.*, n. 68, p. 182.

Prime Minister and then Pakistan's Foreign Minister Zulfikar Ali Bhutto. On their return in May, 1965, they were both arrested. First in Tamil Nadu and later in Cotla Lane, Delhi, the Sheikh remained outside the State from May, 1965 till 1968. During 1967, Bakhshi reorganized the National Conference and fought elections against the Congress. The same techniques and methods were employed by the Sadiq administration against Bakhshi Ghulam Mohammad as the latter had used against the former.⁷¹ Bakhshi, of who Sadiq was afraid of, was, therefore, kept under the pressure of an enquiry commission known as Ayyengar Commission, which had been empowered to go through the misuse of power by Bakhshi Ghulam Mohammad during his tenure of office. The report of the Commission was designated by Bakhshi as "Anger Commission" as he believed its inception based on personal vendetta.⁷² The Sheikh's internment outside the State along with Mr. Beg, the Plebiscite Front workers behind the bars within the State Bakhshi and his party demoralized owing to the Democles's sword of the Commission and then the arrest of his workers, Plebiscite Front banned and not allowed to participate in elections, Sadiq had clean play ground to play politics. In banning Plebiscite Front, the Congress sought a reprieve for its organization and leadership, for they thought roaring of the lion in the Valley dangerous to their security.⁷³

After having held in custody for eleven years with a small break in 1958, Sheikh was released in 1964, under the liberalization policy of Ghulam Mohammad Sadiq. Sheikh Abdullah, even after his release,

71. Sofi Ghulam Mohiuddin, *Kashmir*, Sonobar, Srinagar, 1977, p. 184.

72. Bakhshi Ghulam Mohammad, *Facts About Anger Commission Report*, Veerendra Printers, New Delhi n.d., p. 6.

73. G.M. Shah, *Ban on J and K Plebiscite Front*, Kotla Lane, New Delhi, Working Journalists Publishing Society, n.d., p. 68.

remained suspect in the eyes of Indian people and could therefore find no way out to carry favour with the Central government.⁷⁴ He therefore continued to hold a rigid attitude about accession, constantly stressing that the Kashmiris must be given chance to confirm or reject their joining with the rest of India, which he then held to be temporary as entered by the National Conference and the Central leadership. At the same time Union government was not prepared to revise its policy towards him until he reaffirmed in unequivocal terms that Kashmir's accession to India was final and irrevocable.

Some sections in Government of India and some others outside the seat of authority believed that the many years in imprisonment and exile, the Sheikh might have turned wiser and rational. One amongst them P.N. Bazaz met him in New Delhi in winter 1968 with a proposal to hold a convention of State people's on non-party basis and discuss the future of Kashmir. Bazaz believed the convention to end the impasse the Sheikh had brought the Kashmir politics and his own public career to. The Sheikh agreed and asked him (Bazaz) to go ahead with implementation of the proposal.⁷⁵

The first session of the J and K State People's Convention was held in Srinagar on October 18, 1968. It was attended by 260 delegates, hailing from many parts of the State. The convention held many meetings and in the beginning the Sheikh and Mr. Beg stressed that accession of the State was main problem and the only way to solve it was the holding of plebiscite. Nearing end, however, it was revealed that they abandoned their stand and servilely accepted the Central government's terms.⁷⁶ However, writes P.N. Bazaz, "To keep his face before the Kashmiris, the Sheikh submitted a demand that whatever laws had been passed and applied to Kashmir, during the period when he

74. P.N. Bazaz, *Democracy Through Intimidation and Terror* Heritage, Delhi, 1978, p. 18.

75. *Ibid.*, p. 29.

76. *Ibid.*, p. 24.

was not in power (1953—1975) may be revised and those unacceptable to the State people abrogated."⁷⁷

Immediately after the convention, dialogue between the Government of India and the Kashmir leadership ensued which culminated in the well-known "Kashmir Accord" entered into between Mirza Afzal Beg on behalf of the Plebiscite front and Shri G. Parthasarthy on behalf of Mrs. Indira Gandhi. The agreed conclusions of Mrs. Indira Gandhi were as follows :

- (1) The State of Jammu and Kashmir, which is a constituent unit of the Union of India, shall, in its relations with the Union, continue to be governed by Article 370 of the Constitution of India.
- (2) The residuary powers of legislation shall remain with the State ; however, Parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National anthem and the Constitution.
- (3) Where any provision of the Constitution of India had been applied to the State of J and K with adaptations and modifications, such adaptations and modifications can be altered or repealed by an order of the President under article 370, each individual proposal in this behalf being considered on its merits, but provisions of the Constitution of India already applied to the State of J & K without adaptation or modification are unalterable.
- (4) With a view to assuring freedom to the State of Jammu and Kashmir to have its own legislation on matters like welfare measures, cultural matters, social security, personal law and procedural laws, in a manner suited to the special conditions in the State,

77. *Ibid.*

it is agreed that the State Government can review the laws made by Parliament or extended to the State after 1953. On any matter relatable to the Concurrent List and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under Article 254 of the Constitution of India. The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to laws to be made by Parliament in future under the Proviso to Clause 2 of that Article. The State government shall be consulted regarding the application of any such law to the State and the views of the State government shall receive fullest consideration.

- (5) As an arrangement reciprocal to what has been provided under Article 368, as a suitable modification of that Article as applied to the State should be made by Presidential order to the effect that no law made by the legislature of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision of the Constitution of the State of Jammu and Kashmir, relating to any of the under-mentioned matters, shall take effect unless the Bill, having been reserved for the consideration of the President, receives his assent, the matters are :—

- (a) The appointment, powers, functions, duties, privileges and immunities of the Government ; and
- (b) The following matters relating to Elections, namely, the superintendence, direction and control of Elections by the Election Commission of India, eligibility for inclusion in the Electoral Rolls without discrimination, adult suffrage and composition of the Legislative Council, being matters specified in Sections 138, 139, 140 and 50 of the Constitution of the State of Jammu and Kashmir.⁷⁸

78. Kashmir's Special Status, All J & K National Conference, Mujahid Manzil, Srinagar, Vishnath Press, Srinagar, n.d., p. 9.

Jubilation ensued with the Plebiscite Front workers at the end of the accord and Sheikh Abdullah assisted by Afzal Beg assumed power with the support of the majority Congress legislature Party in Kashmir Assembly in early March, 1975. Earlier, the Sheikh and the Plebiscite Front met in a special delegate session on 4th and 5th July 1975 at Mujahid Manzil in Srinagar. There were nearly 1500 delegates who attended the session. The session had discussions and deliberations for two days and at the end Sheikh Ghulam Mohd Badarwahi moved a resolution which was passed unanimously. It read, "Today, the 5th July 1975 the representatives from all parts of the State of J. & K., after due deliberations for nearly 13 hours, decide that under present circumstances the name of the Plebiscite Front be changed into the National Conference. Consequential upon it necessary amendments in the Constitution be made so that in view of the accord with Government of India a confirmity in the name and the business be created and this change be made in all subordinate committees of the organization".⁷⁹

Thus a new chapter in the life of the Sheikh and the National Conference was initiated to determine the course of politics of the State of J. & K. The National Conference since then is not only in power but in a position to determine politics, in government, in the field, in the national life and to some extent in the international field. It is worth-noting that immediately after the assumption of power the Sheikh in a letter to Mrs. Indira Gandhi affirmed, "the country is passing through a critical period and it is all the more necessary for all of us who cherish the ideals of democracy, secularism, to strengthen your hands as the leader of the Nation and it is in this spirit that I am offering my whole-hearted co-operation."⁸⁰

79. All J & K Plebiscite Front Special Delegate Session, Mujahid Manzil, Srinagar, Publicity Section of the Front, 1975, Para II.

80. Sheikh Abdullah's letter to Mrs. Indira Gandhi, dated February 11, 1975.

CHAPTER II

The Politics of Plebiscite

Since 1955 upto July 1975, the political history of Kashmir is nothing but the history of the politics of plebiscite. It started nearly two years after the Accession of the State with the Dominion of India and accession was the basic issue round which the politics of plebiscite revolved. Today it has no relevance. P.N. Bazaz while musing on the future of Kashmir writes,

"Today we are faced with the accession issue. It is a minor problem in the context of the titanic war that Kashmiris, like all nations of the world, have been engaged in since the dawn of history. But to us of the present generation the issue appears more formidable than anything else. Our forefathers must have viewed contemporary problems that they had to face from time to time in the same way. When we read about those problems today in the pages of history we feel how meaningless they were. Not many years after a similar view will be held about the accession issue."¹

Exactly, today, accession issue is rendered uncalled for. It has no relevance to the present politics of the State. But assuredly the accession issue was formidable for a pretty long time. Since 1955, the same issue was recognizable through the slogan of 'Plebiscite'. This plebiscite has some relevance

1. P. N. Bazaz, *Struggle for Freedom in Kashmir*, Kashmir Publishing Company, New Delhi, 1954, p. 690.

even to the struggle for freedom in Kashmir. As early as August 1945, the National Conference at its annual session at Sopore, which was attended by Pt. Jawaharlal Nehru and Abdul Gaffar Khan, had recognized the principle of "Right of self-determination" for the peoples struggling for freedom.² At the same time, Sheikh Mohammad Abdullah in his Presidential Address at Hazuri Bagh, Srinagar, in presence of Abul Kalam Azad, the veteran Nationalist leader, said,

"Apprehensions regarding majoritarian dictatorship are found with Muslims of India and if these apprehensions can be removed, in particular, through the acceptance of the principle of right of self-determination, then the Indian National Congress should have no hesitation to put it at the top of its agenda. In Kashmir, the National Conference has accepted it not as a faith for all the nationalities of the State of J & K only but in its wider connotations of culture and civilization and for that purpose the National Conference has distinctively recorded it in the introduction of its Constitution of the Naya Kashmir."³

Thus the right of self-determination had become instrument of politics very early with the leadership of the National Conference. Even immediately after the accession this tool was used for the purposes of justifying the stand taken by the leadership. In a historical speech, Sheikh Mohammad Abdullah in January, 1949, on a Milad function at the shrine Hazratbal Srinagar, said that the decision regarding the accession of the State with India is to be determined by fourteen lakhs of adult men and women of the State and every one adult from Gilgit to each corner of the State has a right to

2. Rashid Taseer, *Tehreek-i-Hurriyat-i-Kashmir*, (Urdu), Muhafi Publications, Srinagar, vol. II, p. 419.

3. Ibid., pp. 417-18,

vote for it.⁴ Consequently, the leadership, considered it a tremendous task and added,

"We have to recall all the Muslims, Hindus and Sikhs who have migrated from the State—we have to feed them and it is not easy task. Even in an ordinary election, in which hardly ten per cent people have to vote—you have to make all types of arrangements. Even if you have to conduct a marriage you have to bother yourself. Consequently, you have to go ahead slowly and steadily."⁵

The Sheikh further admitted in his speech before the two lakhs of people at the shrine that people are the masters of their fate and that Pakistan accepted the right to plebiscite which India had presented earlier and consequently they had to wait for some time more because Pakistan's devastation in Kashmir rendered the conditions worst for purposes of conducting the plebiscite.⁶ Soon after the rise of Dogra nationalism in Jammu, as antagonish to Muslim Nationalism of Kashmir shook the ideology of the Sheikh and he started deviating from the earlier path, though temporarily, but committing to the right of self-determination upto the conversion of Plebiscite Front into the National Conference in 1975. This slogan paid him and his party good dividends. By 1952, he had lost his temper and he said, "Kashmir acceding to India will have to be of a restricted nature so long as communalism has a foothold on the soil of India", he ejaculated on April 10, 1952 in Ranbir Singh Pora.⁷ "We are prepared to welcome application of India's Constitution to Kashmir in its entirety once

4. Half-i-Wafadari, Sheikh Abdullah's lecture at Hazratbal, New Kashmir Press, Mujahid Manzil, Counter Propaganda Dept. n.d., p. 9.

5. Ibid.

7. P. N. Bazaz, *A Struggle for Freedom in Kashmir*, New Delhi, 1954, p. 757.

we are satisfied that the grave of communalism has been finally dug in India. Of that we are not clear yet." In the gathering he made a clean breast of what was passing in his mind. "Some people here and in the Indian press also have started questioning our very fundamental rights to shape our destiny in our own way. They do not tell us what will happen to Kashmir if there is resurgence of communalism in India and how under that circumstance we are to convince the Muslims of Kashmir that India does not intend to swallow up Kashmir." Sheikh Abdullah added, "So far as Kashmir is concerned, it wants to preach the mission of secular democracy both to India and Pakistan."⁸ On Martyr's day, July 13, Sheikh Abdullah before a public gathering levelled charge against India, "She does not appear to be prepared to give the right of self-determination to Kashmiris so long as she is not fully convinced that the public opinion will support her." In this speech he declared: "If I find that we can progress and prosper by remaining independent, I will not hesitate to raise that voice. If I realize that by acceding to Pakistan we can go forward no power can suppress me to say so."⁹

The politics of the slogan, as the National Conference conjectured was the best to their interests and they knew that it would swing public opinion to their side. Nearing the end of his regime in 1952, the National Conference had lost confidence of the people so writes B. N. Mullik, "In fact according to Bakhshi" except for his politics, as a person the Sheikh was not much liked in the Valley."¹⁰ To gain back the prestige and to regain the popularity, the slogan of plebiscite paid well, otherwise says P. N. Bazaz, "The nationalists never want to have a plebiscite held in the State to ascertain the views of the people. They create all conceivable hurdles in the path of a

8. Ibid., pp. 657-58.

9. Ibid., p. 666.

10. B.N. Mullik, *My Years with Nehru*, Allied, Delhi, p. 46.

peaceful solution."¹¹ However, the fall of the Sheikh from power in August 1953, made them more conscious to use the tool of the plebiscite for determining further the course of politics in the State.

During the rule of the National Conference from 1947 to 1952, the avowed policy of the party was that Pakistan cannot be denied to be the party to the dispute. But then her position is one of aggressor, who is required to vacate aggression. The Sheikh's statements, during the period, harped on this theme. In his Presidential Address, he said,

"We invited the United Nations to settle the Kashmir issue and punish the aggressor, instead it started doubting and suspecting the Indian intentions. It failed to settle the issue peacefully and instead finalizing it, it in the guise of right to plebiscite decided upon a technique which has nothing to do with the punishment of the aggressor."¹²

After his fall from the pedestal, the Sheikh and the National Conference shifted the stand and it became his contention that Pakistan has a claim on Kashmir which should be admitted and reconciled with the claims of the other two parties—India and Kashmir. Writes B. L. Sharma, "with one stroke of the brush he has white-washed Pakistan's guilt, fastened upon her not only by India, not only by himself in the period 1947-52, but also by independent observers and agencies appointed by the United Nations. In other words, all that Pakistan did between 20 October, 1947 when she invaded Jammu and Kashmir, and his last release is of no consequence, since evidently, according to Abdullah, the basic problem has changed. The issue for him is no longer one of

11. P. N. Bazaz, *Struggle for Freedom in Kashmir*, Delhi, p. 654.

12. All Jammu and Kashmir National Conference, Presidential Address, *Gandhi Park*, 1951, Brocas Press, Srinagar, p. 4.

Pakistan's aggression or its vacation but of appeasing aggressor."¹³

In the post 1953 era according to P. N. Bazaz, the slogan of Plebiscite was used for blackmailing the Centre. He writes, "The Kashmiri Nababs resorted to blackmailing the Central leaders to achieve their personal ends and would raise, at times, the slogans of plebiscite and right of self-determination if the Central leadership slightly tried to resist the fulfilment of their extravagant ambitions."¹⁴ To this end of politics in the State, the National Conference and other local and political parties of National level worked. However, in the post 1956 era, the politics of the State was influenced, abetted and blackmailed by the slogan of plebiscite through the Plebiscite Front, if not controlled by it.

The Plebiscite Front was founded as a party to struggle for the right of self-determination in 1955. The founder of the party, Mirza Afzal Beg, a lawyer and a politician, on his release from detention on health grounds found an opportunity to establish the party and remained its President for the whole of its life. During the President's detentions only interim arrangements for officiating or acting Presidents were initiated. Soon after the Plebiscite Front became a potent threat for the Indian Government and leadership both at the domestic and international levels. Assuredly, the organization reached its grass roots for the people voluntarily accepted its membership. This organization could establish its units in every village, every Mohalla of every town and city. Virtually all the people lived with the organization as they treated the slogan of right of self-determination as to "bring nearer that state of affairs in which Human Rights could be positive

13. B. L. Sharma, *Kashmir Awakes*, Vikas, Delhi, 1971, p. 125.

14. P. N. Bazaz, *Democracy Through Intimidation and Terror*, Heritage, Delhi, p. 58.

rights for everybody everywhere,"¹⁵ and for Kashmiris they sought it as a positive right. This right, Kashmiri leadership and the people believed has been recognized both by Government and leadership of India and confirmed under the resolutions of the Security Council.¹⁶

The Plebiscite Front leader and President, however, was re-arrested in 1956. This did not deter the organization to flourish. Its leaders continued to propagate the slogan of right of self-determination. So much so that from its inception as a political organization, its office bearers not only got issued literature emphasising and arguing the genuineness of the slogan but also arranged a campaign in the world forums through Pakistan to create sympathy with the Kashmiris right of self-determination. Defending the right of self-determination, Sheikh Mohammad Abdullah who was never a member of the Plebiscite Front, but a patron, argued at length the validity and genuineness of the slogan.¹⁷ He said that the Kashmir issue is interpreted by different people in different ways but the basic issues underlying it are as follows :

1. The accession issue is still undecided.
2. The decision with regard to accession must be taken at an early date so that the troubles faced by Kashmiris are removed and the Indo-Pak confrontation is thwarted.
3. There is none else to decide about the future of Kashmiris except the people through free and impartial adult franchise. Such a decision shall be final and irrevocable.¹⁸

15. Maurice Cranston, *Human Rights Today*, Manaktalas, Bombay, 1966, p. 109.

16. Sofi Mohiuddin, *Kashmir*, Sonobar, Srinagar, 1977, p. 141.

17. Rai Shumari Keun, (Urdu), Press and Information Department, J & K Plebiscite Front, pp. 3-4.

18. Ibid., pp. 5-6.

To further elucidate these three fundamental issues with regard to the accession of the State with India were elaborated by the Sheikh in his statement as early as 1958. He visualized three fundamental problems on the release from detention in 1958. Firstly, he desired that political future of the State of Jammu and Kashmir be determined as soon as possible. Secondly, he thought that the political uncertainty of the State is not destructive for India and Pakistan but suicidal for the whole of Asia. Consequently, he advised Government of India that the only solution of the problem would be to grant of self-determination to the people of the State under the right impartial supervision of an international agency.¹⁹

Lashing at the opponents of the settling of the dispute of Kashmir, the Sheikh condemned the vested interests for covering the facts and misrepresenting his statements for their own purposes. He was vociferous in reminding them (the vested interests) not to label him a foreign agent and communal as this would not, in any way, hamper the perpetuation of tyranny against the people of the State of J & K. He said that since August 1953, their political manipulations and conspiracies against him or his people would not, in any way, help India or the cause of India. For him, these all conspiracies were only against the people who are under the political and economic tyrannies.²⁰

According to the Sheikh and the leaders of the Plebiscite Front, the aim of labelling them 'communal' and 'anti-India' was to force them to subjugation and he was confident he could not be blackmailed. He believed that labelling him communal was not new and he asserted that the northern Indian press had perpetrated the propaganda since 1931. According to him this press had all along said that he wanted to become "Sultan of Kashmir"—and there is already a crown installed and ready in a mosque and was to be coronated

19. Ibid., p. 6.

20. Ibid., p. 7.

at an opportune time.²¹ These all false accusations were falsified by the time he asserted and the movement flourished. Even the slogan "Kashmir Chod Do" which was purely a political slogan for acquisition of independence and freedom was construed to have in its designs some communal undertones. However, the Sheikh asserted in his statement that on the actual trial and test in 1947, the world had acknowledged my convictions in Democracy and Secularism. In the post 1947, except for first one or two years the press and various platforms reiterated the earlier stand of labelling me a communalist, separatist and non-loyalist.²²

The Plebiscite Front leaders and its patron Sheikh Abdullah accosted that he is treated as disloyal. It is asserted by the Government of India and the Indian leaders that I have betrayed them, he said. It is surprising, he argued, that breaking of an agreement is unilateral. It is bilateral—both Governments of India and Kashmir in their agreements and instruments of accession had made certain promises and shouldered some responsibilities. The Sheikh called them to ascertain whether they have fulfilled the promises made by Mr. Nehru at the Lal Chowk Srinagar and his promise over the AIR on second November, 1947.²³

As an evidence, he quoted in his statement, the Article 370 of the Indian Constitution which conceded at the time to hold with Central government only the affairs of Defence, Foreign relations and communication. Consequently, the Sheikh asked the leadership, if they had stuck to those constitutional guarantees which were unamendable under the Constitution at that juncture.

21. Ibid., p. 9.

22. Ibid., pp. 10-11.

23. Ibid., pp. 11-13. In the statements Mr. Nehru had declared that once the normal conditions in the State are restored the people will have a right to determine their future through "Right to Self-determination."

The Plebiscite Front asserted that it is a false accusation that the Sixth Assembly decision with regard to accession is final. According to it the Government of India under the U.N. auspices had already conceded that the Assembly had no right to deal with the question of Accession. Consequently, they quoted S. Rao to have said before the U.N. Council :

"The Constituent Assembly shall not be constrained in its deliberations to give opinions with regard to accession of the State. But the Government of India shall not be bound by the opinions of the Assembly nor shall such opinion affect the jurisdiction of the Security Council of the U.N."²⁴

Further the leaders of the Plebiscite Front and the Sheikh rebutted the Indian leadership while pleading for the plebiscite on the basis of the Resolution of the U.N. Council which records :

"Reminding the Governments and authorities concerned of the principle embodied in the Security Council resolutions of 21st April 1948, 3 June 1948 and March 1950 and the United Nations Commissions for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic means of free and impartial plebiscite conducted under the auspices of the United Nations."²⁵

Even Nehru, according to the plea of the Plebiscite Front, had conceded that the Constituent Assembly could not take any unilateral decision.²⁶ Further the Plebiscite Front

24. Sir B. N. Rao, 29th March, 1951.

25. K. K. Misra, *Kashmir and India's Foreign Policy*, Chug Publications, Allahabad, p. 479.

26. "Rai Shumari Kown" (Urdu), Statement of the Sheikh P. F. Department of Publication and Press, Feb. 1958, p. 17.

asserted that Constituent Assembly prior to the Sheikh's arrest in 1953, had confidence of the people and in the post arrest period of the Sheikh the Assembly had come to the status of illegitimacy. The Front pleaded that many of its members were arrested and others were made to submit to the circumstances either through pressure or intimidation or by corrupting them. The Sheikh himself asserted that while he was under detention he wrote to the President of the Constituent Assembly and wired him too that before taking any decision he ought to be permitted to explain his position before the Assembly, which was never conceded.²⁷

The President of the Plebiscite Front, addressing the Constituent Assembly on 24th October 1956, warned in the following words, -

"This house is not entitled to take any decision with regard to the accession of the State or to draft a Constitution as it has lost the confidence of the people. In this connection I place a statement in black and white before the President through the Secretary of the house and I declare that we break our relations with the house."²⁸

Immediately after this statement, the President of the Plebiscite Front and his associates boycotted the house deliberations. Consequently, the Plebiscite Front, thenceforth, did not approve of any decisions of the Assembly, instead they treated the Assembly as politically illegitimate. Even then the Plebiscite Front asserted that the government's assumption that the Assembly had the legitimacy, should not have the fear to conduct and carry the plebiscite to viliate their own claim. According to them they could never hazard it.²⁹

27. Ibid., p. 19.

28. Ibid., p. 20.

29. Ibid.

According to the Sheikh, the Patron of the Plebiscite Front, the only acceptable and compromising formula for the settlement of the dispute of Kashmir was a free plebiscite. He treated this right to have the basis in the struggle for freedom of Kashmiris against the autocratic rule of the Dogras. He believed that the right to self-determination was the cherished principle for which Kashmiris had fought since 1931, and that Nehru had conceded this universal principle while they had given the slogan of "Kashmir Chod Do", and the Congress had accepted it throughout its collaboration with the National Conference. Further the Plebiscite Front claimed that the joint declaration made by the Prime Ministers of India and Pakistan had conceded that :

"The two Prime Ministers are of fervent belief that the Kashmir dispute be settled in accordance with the wishes of the people of Jammu and Kashmir—and to ascertain the wishes of the people the best method is to conduct free and impartial plebiscite."³⁰

Even Bakshi Ghulam Mohammad, who succeeded Sheikh Mohammad Abdullah, declared on Aug. 21, 1953 :

"The declaration made by Prime Ministers of India and Pakistan to hold plebiscite in Kashmir is welcomed. We unconditionally approve of it."³¹

Conceding that the Indian and Kashmir leadership whether in power or out of power, recognized the right to self-determination to the people of Kashmir, the Plebiscite Front continued to harp on the betrayal of the commitment. The Plebiscite Front leadership usually gave rejoinders to the leadership for every argument they put-forth. Presenting the communal problem in India, which could be aggravated if Kashmir separated, the Plebiscite Front remarked :

30. Ibid., p. 27.

31. Ibid., p. 28.

The opponents of the principle of right of self-determination for the people of Kashmir believe its operative part not only dangerous but against the security of the minorities in India, particularly the Muslims. The Plebiscite Front leadership did not agree with the argument on the ground that there was a lot of difference between the conditions prevailing in 1947 and 1960. The organization believed that the conditions after 1950 were conducive for the governments of India to control any situations that might arise. The madness and the convulsion that brought slur to the sub-continent in 1947, as Collins put it was a temporary phase. The Plebiscite Front was of the belief that the people on both sides of the ceasefire line were ready to cooperate if the dispute between India and Pakistan could be settled.³² Similarly, the Plebiscite Front rejected the plea that Kashmir's accession with India shall strengthen the forces of secularism. They believed that there is a Muslim minority, whose protection, security and progress shall determine the future of secularism in India and encourage others to join such a community if their prosperity and progress is assured.³³ They also advocated that those people who advocate plebiscite in Kashmir, have shown in the struggle for freedom and 1947 onwards that they are both convictionally secular and in behaviour more than secular—and it quoted Sheikh Abdullah's role as an eye opener for all those who apprehended plebiscite to be the cause of future communalism.³⁴

The argument that the socio-economic progress of the State shall be thwarted in case the right to self-determination is conceded to the people of the State, is discarded by the Plebiscite Front on the plea that the economic progress shall in

32. Hamari Adami Maujodgi Man Hamari Kismat Karni Waloon Se Ham Keh te Han, President Plebiscite Front, n.d., pp. 12-13.

33. Ibid., pp. 12-13.

34. Ibid., p. 15.

no case be compensated by denying the right of self-determination to the people. Then according to them the British had no right to leave the Indian sub-continent. It was believed by the Plebiscite Front leadership that it sustains the principle of colonialists that they are interested in the uplift of their colonies.³⁵

One of the arguments presented by the Government of India that J & K State is spread over the mountainous areas and it would be tremendous job to ensure the right of self-determination at such far flung areas is treated groundless. Similarly it is believed that Ladakh, having a strategic position in relation with India, is an indispensable area which is not only to be retained but defended as well. It is surprising, says the Plebiscite Front, that Kashmir and its parts are retained or occupied just to be at war with China or other neighbouring States.³⁶

One of the solutions according to Government of India, gave the impression that the ceasefire line be treated as the natural division between India and Pakistan. To this solution the Plebiscite Front presented the following counter arguments :

1. The State shall be divided—thousands of families shall stand disintegrated.
2. Economic resources shall be bifurcated and State shall be degenerated to economic stagnation.
3. The decision shall be an army decision imposed on civilian.
4. The division will be communal in nature and more than a Lakh non-Muslims will be cut off from the rest of the population reducing the Muslim population to 33 per cent.³⁷

35. Ibid., pp. 16-17.

36. Ibid., p. 20.

37. Ibid., p. 23.

Thus the politics of plebiscite did not only manifest itself in counter arguments of the leadership of government and leadership in India, but it reflected in every *forum, institution, legal defence, foreign press, domestic consumption, international rivalry* of Super Powers and almost in every walk of life that suited the leadership of the Front. In the international forums like the U.N Security Council and the General Assembly Kashmir was discussed. The plans presented to Pakistan and India were either rejected or rendered inoperative. "As a last possibility of saving the situation", Sir Owen Dixon sought to persuade the Prime Ministers of India and Pakistan to attend a conference at which he would put forward the plan of holding a partial plebiscite in a limited area consisting of the Valley of Kashmir and partition the rest of the State between India and Pakistan."³⁸ This Dixon Plan was also rejected, but in it lies the genesis of Plebiscite Front assertion that Kashmir was a disputed area.

During the discussions on Kashmir, from time to time, including Sheikh Abdullah's speech addressed to the Security Council of the United Nations as early as 1948, the politics of plebiscite were ventilated through the debates of the Security Council as well as the General Assembly. Both Indian Government and the Sheikh had recognized the right of self-determination to the people of Kashmir. Even the Sheikh had remarked before the Security Council :—

"As I have submitted to the members of the Security Council, Sheikh Abdullah happens to be there because the people wish it. As long as people wish it, I shall be there."³⁹

38. K. K. Misra, *Kashmir and India's Foreign Policy*, Chugh Pub. Allahabad, 1979, p. 152.

39. Sheikh Mohammad Abdullah, *Kashmir Appeal to World Conscience*, Govt. of J & K Publication. 1948, p. 9.

Further he added,

"Whatever had been the attitude of Pakistan towards our freedom movement in the past, it would not influence us in our judgement. Neither the friendship of Pandit Nehru and of Congress nor their support of our freedom movement would have any influence upon our decision if we felt that the interests of four million Kashmiris lay in our accession to Pakistan."⁴⁰

It is really the politics of Plebiscite that was invoked in different forums of the U.N.O. Not only was Kashmir with its slogan of plebiscite discussed in the Security Council and the General Assembly, but in every other organ of the U.N. Pakistan in the beginning did not play the politics of plebiscite but later, in particular after 1953, it was vociferous to achieve this right for the people of Kashmir. Even today they continue to harp on this issue. Recently when Pakistan raised the issue of Kashmir in a U.N. Forum, the Indian representative had to give a rejoinder resulting in the deadlock of the talks between India and Pakistan on the offer of "No War Pact". It is known to the whole world, in particular to the people of the sub-continent that representatives of India and Pakistan like V. K. Krishna Menon, Gopalaswami Ayyenger, Sir Zaffar-Ullah Khan, and later Zulfikar Ali Bhutto wasted hours altogether in the U.N. Forums to either reject plebiscite or permit the right to the people of Kashmir. The controversy over the State, resulted in a waste of energy and money. For both countries, the politics of plebiscite continued at its pitch at many a time. In 1964, the foreign Minister of Pakistan Zulfikar Ali Bhutto complained that India, while continuously denying the right of self-determination to the people of Kashmir, was "taking further steps to fully integrate Kashmir with the rest of the country. The unfortunate theft of the holy relic from the Hazratbal shrine near Srinagar—which had thrown the people of Kashmir into grief—was termed

40. Ibid., p. 5.

as a conspiracy to drive out Muslims out of India. Pakistan's application in fact, "as a horror story", but as Mr. Chagla, India's representative, said at the Security Council, "All this is a figment of vivid imagination."⁴¹

The Sheikh's concern right from his detention in 1953 and the manipulations of the Front, envisaged that plebiscite becomes so distinctive slogan which creates problems for Indian government both in her internal affairs and external relations with the members of the U.N.O. The Front actually, both on account of weakness of Indian policy with regard to Kashmir and Pakistan's weakness from the inception of its existence toward the establishment of a democratic set up in Pakistan, the Plebiscite Front was successful in creating an uncertainty within and without the State of Jammu and Kashmir. We have already discussed how, in view of the liaison of the Plebiscite Front with the Government of Pakistan, the latter were in a position to raise the issue in the world forums. Consequently, in the beginning the slogan of the plebiscite raised in the Constituent Assembly, and later in the Legislative Assembly, the Front was in a position to motivate the Kashmir populace towards the same slogan. Assuredly, Mirza Afzal Beg was vociferous in the Assembly not only to derecognize the legitimacy of the Assembly but also inform the house that the opinion of the people of Kashmir was not ascertained. Addressing the Assembly the futility of a plebiscite under certain conditions Sheikh Abdullah said, not until the fundamental unity of this State is restored and not until people in every part of the State are enabled to freely associate to decide their own future can there be any lasting or peaceful settlement of Kashmir problem".⁴² Even after the absence of the members of the Plebiscite Front in the Assembly, the Plebiscite Front could either through some sympathisers in the Assembly or through

41. P. N. K. Bamai, *Kashmir and Power Politics*, Metropolitan, Delhi, 1966, p. 229.

42. Satish Vashishth, *Sheikh Abdullah Then and Now*, Manik Sahita Prakashan, Delhi, 1968, p. 69.

the Jamat-i-Islami were in a position to talk about the relevance of the plebiscite to settle the Kashmir dispute. In 1972, a member of the Jamat in the Assembly confessed that the State's accession was disputed and when he was called by ruling members, the other prominent members defended his contention by quoting Simla Agreement whereby Kashmir was agreed to be on the list of disputed ones between India and Pakistan.⁴³

During the detention of the leaders of the Plebiscite Front, the endeavour of the leadership was to perpetuate the slogan of plebiscite and to this extent even the defence of the Sheikh whether prior to 1947 or in the post 1953, period harped on and defended the political actions of the members on the principle of right of self-determination. Mr. Asif Ali advocating the acquittal of the Sheikh during his detention in 1946 said before the court,

"The essence of my case is that the accused is fighting against the tyranny perpetrated against the purchased slaves of the people of Kashmir—this kind of treatment is against the human dignity and the sense of conscience and therefore instead of interpreting the agreements, it is imperative to go to the conduct of right of self-determination which after First World War under the Treaty of Varsaills has been recognized as the basic principle for ascertaining the will of the people."⁴⁴

Similarly, during the Sheikh's trial after 1954, the politics of plebiscite played its own role in the defence of the accused. The Government tried to accuse the leaders of subverting the constitutional government through unconstitutional methods and the accused defence culminated in labelling the government

43. Assembly Debates, Autumn Session, 1972, The two members were Ali Mohammad and Syed Gilani Shah of Jamat-i-Islami.

44. Khalid, the Weekly, Srinagar, Oct. 1946. p. 193.

in acting against the wishes of the people of the State. For instance, the defence in the well known conspiracy case asserted in the following statements the same principle of plebiscite :

"Our faith is that people alone are master of their fate. The Indians also believe that Kashmiris alone, under the U.N. auspices are in a position, through the right of self-determination, to settle their future."⁴⁵

Justifying the right of self-determination for the people of Kashmir, before the Special Magistrate trying the Plebiscite Front leaders, the President of the Front emphasised the argument that from Mahatma Gandhi, Nehru down to the Maharaja of Kashmir including Lord Mountbatten, Swami Ayyenger and many others the principle was promised for the people. The President consequently pleaded acquittal on the ground that they fought the cause of a universal right which could not be denied to the people of Kashmir."⁴⁶ The President of the Plebiscite Front pleaded that the accession of the State to the Indian dominion was temporary and subject to the right to plebiscite. Throughout the deliberations, discussions, arguments and counter arguments between the defence Council and the prosecution, the emphasis was on the right of plebiscite, by the former. In the trials of the Kashmir leaders both during Maharaja's rule and the Conspiracy case in post 1947, it was asserted by Defence Council that the cases against the Sheikh and his workers were the cases against all the people of Kashmir.⁴⁷

The world press also started assisting the Plebiscite Front in its advocacy of granting the right to self-determination to the people of Kashmir. The press, however, had a polarization.

45. Mirza Afzal Beg, A Statement, Fugani Kashmir, (Urdu), Peoples Press, Srinagar, p. 61.

46. *Ibid.*, pp. 143-148.

47. Fugani Kashmir and Khalid Weekly, Historical Trial, 1960 and 1946 respectively,

The Western papers usually and mostly helped the organization, whereas the Communist countries press gave moral support to the stand of Indian Government. That the Communist press and Russian Government everywhere supported the Government of India was fate accompli. In the beginning the Russians proved to be inaudible on the issue in the UN forums but later they usually vetoed various resolutions on Kashmir. However, the Western press, Pakistan and the U.N.O. forums continued to advocate plebiscite for the people of Kashmir. At the same Sheikh Abdullah, as asserted by Sharma, "acting as a mouthpiece of Pakistan vis-a-vis his demand for plebiscite in Kashmir could not entitle him to claim friendship with India."⁴⁸

On the domestic front the Plebiscite Front made the people of Kashmir conscious of the right of plebiscite. Kashmiris, most of them not knowing the implications of their rights guaranteed in civilized nations to their citizens could not in any way postulate the methods to express their sentiments. Consequently, the continued detention of the Plebiscite Front leaders and the communicating machinery of the organization and its sympathisers made their people through literature conscious of this right, at least towards the concept of the decision through plebiscite. The literature circulated through written statements of the leaders, Presidential addresses during their release from time to time, created problems for the Government of India both in her domestic and international levels. The Government of India felt that the slogan was genuine in its basis and something had to be done with. We shall discuss what solution was sought to it in the pages ahead. The dozens of pamphlets were issued some of them highly significant in their content. In these pamphlets counter arguments were presented in detail as against the step taken

48. B. L. Sharma, *Kashmir Awakes*, Vikas, Delhi, 1971, p. 122.

by Government of India.⁴⁹ In a Presidential address, Mirza Afzal Beg, the founder of the Plebiscite Front, in 1964 had many advocacies and assertions with regard to Kashmir, emphasising the people their role and reminding the delegates of organization to struggle for achieving the right of self determination. In this Presidential address, the president asserted :

1. India has accepted the right to plebiscite to the people of Kashmir without reservations.
2. Plebiscite is unamendable and irrevocable recognized democratic right of all nations of the world.
3. Plebiscite is a birth right and consequently undeniable even to small nations.
4. Plebiscite alone is the best method to settle all political issues through peaceful means.⁵⁰

The Mirza, in his address, also counter argued the stand taken by the Government and various individuals and agencies in India, negating the principle that the Kashmir dispute be settled on the basis of right of self-determination. In addition to many arguments, it said :

1. Pakistan's entry into CENTO and SEATO has no relevance to the right of self-determination for the people of Kashmir.
2. The right to self-determination was an Ad hoc proposal and hence shall be denied is not based on realism. The

49. (i) Rai Shumari Kanvan, P. P. Publication, Peoples Press, 1958, which is a statement by Sheikh Abdullah in the form of a pamphlet.

(ii) Hamari Admi Maujudgi Man Hamari Kismat Ka Faisla Karnai Waloon Se Ham Kahate Han/Urdu.

50. Mirza Afzal Beg, Presidential Address, 1964, pp. 6-7.

fact is that this principle is accepted by U.N. Charter as the basic one to settle the international disputes.⁵¹

3. To subordinate the right of plebiscite to the argument that it shall disturb the balance of power in South East Asia is unjust.
4. It is argued that the accession has been finally settled through two general elections and Constituent Assembly has ratified it, is untenable. The world knows that elections were false and the issue of accession had not been placed before the people. Secondly, the Sheikh and the National Conference leaders were behind bars when Constituent Assembly was discussing the issue of accession.⁵² Thirdly, Indian Government had agreed that even if the Constituent Assembly expresses an opinion on the issue of accession, it shall not be bound by it. The issue of the accession of the State had been presented to the Constituent Assembly only, after the imprisonment of the Sheikh and his party leaders.⁵³
5. The argument that by separating Kashmir from the rest of India, Indian secularism will receive a set back, it said plea it unsound, because it is only an assumption that Kashmiris will vote against India. Secondly, the verifiability of secularism of a great or a small country cannot be subjected to a small chunk of population. It depends only on the extent of the protection that majority or its government guarantees to the minorities.⁵⁴

The Mirza, explaining in detail the reasons why the organization fights for the right of self-determination for the people of Kashmir, provides the following :

51. *Ibid.*, p. 8.

52. *Ibid.*, p. 10.

53. *Ibid.*, p. 11.

54. *rbid.*, p. 12.

1. The accession of the State to India is temporary. Instrument of accession and letter of introduction to it is enough evidence.
2. Gopala Swami Ayyenger, as the leader of Indian delegation in the United Nations said,

"We accepted accession of the State under certain strains and stresses and as soon as conditions in the State return to normal, we shall permit them either to ratify the accession through the instrument of a plebiscite or after changing their stand accede to Pakistan."⁵⁵

3. The Governor-General in return to the latter of accession remarked :

"In accordance with the policy of the Government of India, whenever and wherever, an occasion becomes disputable, it is government's opinion to refer it to the people on the restoration of normal conditions in the State."

Even Mr. Nehru in a broadcast on 2nd November, 1947 stated :

"We declare that the decision regarding Kashmir, shall be made by its peoples...neither we can revoke this pledge nor we shall revoke it."⁵⁶

According to the plea the Plebiscite Front argued that the discussion that entailed the incorporation of Article 370 and in earlier document Article 306 A had emphasised India's constitutional guarantee for the right of self-determination for the people of Kashmir in the Constituent Assembly. This discussion took place only because Gopala Swami Ayyenger

55. *Ibid.*, p. 14.

56. *Ibid.*, p. 15.

desired to impress upon the Constituent Assembly that the article is temporary. According to the Plebiscite Front the Governor-General himself had conceded that the accession is disputed by calling it "disputed accession". Similarly Gandhi Ji, the saint had also committed to it. Further it is believed that the Governor-General had conceded before the Maharaja of the State in the following words :

"Indian Army is dispatched to help and assist your army so that your territory could be defended and protected."⁵⁷

At the domestic level they usually made people of the State conscious of their political, economic, social and physical insecurity. They used to refer to the uncertainty caused at the borders of India and Pakistan because of Kashmir dispute. It pleaded that both the dominions are arming their position on the soil of Kashmir. It maintained that the governments after the fall of the Sheikh had miserably failed on the economic front. Without presenting a data the President of the Plebiscite Front put forth the following :

1. Some industries in Public Sector were closed because they were running at a loss. A Committee to study them was instituted under the chairmanship of Mr. Ayub, Deputy Speaker, Legislative Assembly.
2. Financial positions of Match Factory and Pharmaceutical works at Baramullah are doubtful.
3. Brick and Tile Factory has far less production than visualized and its financial position is also doubtful.⁵⁸
4. The buildings erected for locating industries and named as Industrial Estates are enjoyed by Jawans of C.R.P.
5. The various departments run the balances which runs in

57. *Ibid.*, p. 19.

58. *Ibid.*, pp. 21-24.

crores and it seems the Government shall have to write them off.

6. Transport charges from Srinagar to Pathankot are heavy.

7. Agriculture is in doldrums.⁵⁹

Thus, the Plebiscite Front asserts that all the "economic uplift" propaganda is farce and false. What, according to them, is true is the perpetuation of uncertainty in the State so that men in power could exploit to the best of their advantage. Thus the President of the Plebiscite Front in his address before the workers said,

"Untill and unless the dispute over Kashmir between India and Pakistan is not settled, no economic, social, moral and spiritual uplift of the people of the State is possible. It is surprising that most of the powers in the U.N.O., who advocated right to the peoples of the world are now silent over the issue on account of political expediency. However, it is gratifying that many small Afro-Asian States are favourable to the cause of the right of plebiscite. Consequently, to achieve our goal it becomes operative on us that we discipline our organization and prepare ourselves for any sacrifice that might await us. We are taught by our leader Sheikh Mohammad Abdullah to be cautious and not be swayed by the sentiment and consequently we must be disciplined to fight our cause."⁶⁰

During the release of the leaders of the Plebiscite Front in 1964, they reviewed their stand and took up the position of reconciliation between India and Pakistan. They were permitted to visit Pakistan—the Plebiscite Front flag also demonstrated the friendship bond but alas their attempts failed to reach a solution. The course of political history of Kashmir

59. *Ibid.*

60. *Ibid.*, pp. 24-25.

might have been different had not been Pt. Nehru died suddenly, cutting short the Plebiscite Front leaders tour to Pakistan.

During all the years from 1947 onwards, upto 1964, Kashmir at the U.N.O. had its own history. The Super Powers had a definite attitude in the beginning and with the evolution in the history of the dispute changes occurred. During first four years of debate in the Security Council, Russians remained silent. In due course of time they shifted the stand and favoured the Indian stand. By the time Russians started vetoing the resolutions on Kashmir, Resolutions of the Security Council dated January 20, 1948, April 21, 1948, March 30, 1951, November 10, 1951 had been passed. These all resolutions had agreed to decide the issue through free and impartial plebiscite. Many Commissions were appointed and while reporting they had also emphasised either total or partial plebiscite. Resolution of the Security Council of April 21, 1948, in addition to other things, read as :

"Being strongly of the opinion that the early restoration of peace and order in J & K is essential and that India and Pakistan should do their utmost to bring about a cessation of all fighting ;

"Nothing with satisfaction that both India and Pakistan desire that the question of accession of J & K to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite."⁶¹

Thus, from the beginning the emphasis on plebiscite was in due course of time dissolved when two super started opposing each other. The Powers like England and United States of America supporting the cause of plebiscite and Russian supporting the Indian stand. Consequential to this super

61. K. K. Misra, *Kashmir and India's Foreign Policy*, 1979. S-726.

power rivalry and cooling down of the issue in the forum, resolutions on Kashmir dispute resulted in freezing the issue to India and Pakistan relations. For example, the resolution of November 10, 1951 observes

"Notes with gratification the declared agreement of the two parties to those parts of Dr. Graham's proposals which affirm their determination to work for a peaceful settlement, their will to observe the cease-fire agreement and their acceptance of the principle that the accession of the State of Jammu and Kashmir should be determined by a free and impartial plebiscite under the auspices of the United Nations."⁶²

The Kashmir dispute at the U.N. had wider dimensions in the beginning but later while reducing it to the level of bilateral discussions it was frozen. However, whether it sold like hot cake the Plebiscite Front after 1953 used it for its own purpose and made politics out of it. Even if it was cold, the organization used it as the instrument of politics which proved by the visits of the Front leaders to Pakistan. Politics of plebiscite in one form or the other could be used by the Kashmir leadership from 1953 till their assumption of power in February, 1975.

By 1974, the Plebiscite Front had taken the politics of plebiscite from one extreme to the other. They had learnt a lesson from the politics of plebiscite—and it was that no principle is ever cherished in politics. Thus, Plebiscite Front had to take new decisions in the light of the conditions prevailing in Kashmir viz-a-viz India and Pakistan. Bangladesh had existed and the realities could not be ignored. The Plebiscite Front's decisions were governed by the principle,

"One's decisions depend on what one considers to be the

62. *Ibid.*, p. 486.

alternative courses of action, if any, that are "open" or "available."⁶³

In the light of the changed circumstances the Front decided, even while its leaders were in exile in Delhi, to play the politics of elections within the State. This was done to cause a concern to the Government of India that they were popular amongst the people and as such should be reckoned with as force. Consequently, they caused the victory of Late Shamim Ahmad Shamim in the Lok Sabha elections against Late Bakhshi Ghulam Mohammad. Thereafter, they plunged into the Panchayat elections in 1969. In his Presidential address Mirza Afzal Beg, commenting on the Plebiscite Front participation in the Panchayat elections said,

"In 1969, we committed another 'crime' while we declared to participations in the elections. We expected victory but it caused worry to the ruling elite. We won by ninety eight per cent votes but the result were shown reversed. We resisted and did not stop there—we further declared, in 1970, our desire to participate in the elections of 1972. Consequential upon this declaration we and our party workers were imprisoned and our organization was declared unlawful. This election, therefore, was as unfair as the earlier ones."⁶⁴

However, by 1972, Mrs. Indira Gandhi, as Prime Minister of India had said, that she wanted a new chapter to open with regard to Kashmiri leadership. She had also realised that a solution to the domestic problems of the State could not be

63. Robert Dahl, *Modern Political Analysis*, Political Science Series, Printice Hall, Inc., 1963, p. 95.

64. Presidential Address, Mirza Mohammad Afzal Beg, Annual Session, All J & K Plebiscite Front, 5-7, July, 1974, New Kashmir Press, pp. 8-9.

sought through oppression. Accordingly, Sheikh Mohammad Abdullah reciprocated the call and the Centre and State leadership continued to explore the ways to find a solution within the constitutional framework of India. Dialogues were initiated and conducted between their representatives. By 1974, the Sheikh and the Plebiscite Front had cooled down considerably and the President of the Front had accepted the following :

1. Reviewing Article 370 with sincerity from both sides is acceptable to us.
2. Our programme stands on the foundations of socialism, secularism and democracy.
3. We believe in democratic values—these were flouted by the other party by interning us before the elections in 1953, 1957, 1962 and 1972. By declaring the Plebiscite Front unlawful in 1972 we were not permitted to participate in elections and all the members were declared ineligible to fight elections.⁶⁵

The Presidential Address of the Plebiscite Front was a departure from its earlier addresses. It emphasised the "good deeds" of the organization during its power before 1953, including the abolition of landlordism. At the same time it reiterated its commitment to socialism, secularism and democracy. It said that the youth of Kashmir and Kashmiris in general were subjected to all kinds of tortures in jails and interrogation centres. It condemned the operation of black laws in the form of :

1. Internal Control Movement order
2. Preventive Detention Act
3. Defence of India Rules

65. *Ibid.*, p. 21.

4. Enemy Agents Ordinance

5. Public Security Act.⁶⁶

While examining the situation in the State the presidential address found problems of all sorts. It dealt with problems of students of colleges, schools and universities—it said that political parties use the student community to further their ends. It condemned and sought solution to problems of unemployment, high price level, corruption, adulteration and favouritism. It declared that the party in power has failed to solve all such problems.

During his address, the President declared that they could not forget the Kashmiris numbering in Lakhs who are our brethren and Azad Kashmir being irrevocable part of the State could not be ignored. It condemned the artificial division of the State. He reiterated Mr. Nehru's promise that Kashmiris are not dumb driven cattle. The address also condemned the communal riots in India.⁶⁷

Finally, the President tried to present solutions to the Kashmir tangle. He, while giving personal opinions regarding the internal conditions of Pakistan and declaring them unfortunate, advised India and Pakistan to have amity. It advised them to open as early as possible, the National Highway for Kashmir which connected Kashmir with Muzaffarabad, through Baramullah.⁶⁸

However, he declared that the progress of Kashmiri people and their cultural preservation depends on the progress of both India and Pakistan and their progress depending on their mutual amity without being guided by the vested interests.

66. *Ibid.*, p. 21.

67. *Ibid.*, p. 29.

68. *Ibid.*, p. 30.

Thus by 1974, Mrs. Indira Gandhi and Sheikh Mohammad Abdullah, had realized that the attitude of confrontation had not paid them in any way and consequently, a reconciliation was sought. After having some round of talks both formal and informal, the two leaders decided to assign the task of reconciliation to two of their representatives. Mrs. Gandhi was represented by Mr. Parthasarathi and the Sheikh by Mirza Afzal Beg.

The fact was that the politics of plebiscite had given the Plebiscite Front no dividends. It had failed in the U.N.O., whatever be the reasons. It had failed at domestic level in creating either any upheavals or any revolutions. Pakistan had failed in its stand to create a rebellion in Kashmir or move either the U.N. or world opinion in favour of the Plebiscite Front, on account of her own contradictions in international and domestic affairs. India was successful in her attempt to isolate the Kashmir dispute at the international level and bring the Plebiscite Front to work within the Indian constitutional framework. Wrote Prem Nath Bazaz, "The Union Government was not prepared to revise its policy towards him until he reaffirmed in unequivocal terms that Kashmir's accession to India was final and irrevocable."⁶⁹ Working towards this end, both Mirza Afzal Beg and Mr. Parthasarathi, arrived at certain conclusions which are known to us as "Accord". According to P.N. Bazaz. "The protracted negotiations were carried on secretly and Kashmiris were not taken into confidence until the deal was struck early in 1975. The outcome put down in the shape of an agreement between Sheikh Abdullah and Mrs. Indira Gandhi, Prime Minister is known as Kashmir Accord". It was presented to the Indian Parliament along with all the relevant correspondence on February 24, 1975, with a statement by the Prime Minister. Some admissions and remarks

69. P.N. Bazaz, *Democracy Through Intimidation and Terror*, Heritage, Delhi, 1978, p. 18,

by the concerned give the essence of the Accord. In his letter dated February 11, 1975, Abdullah said: "The accession of the State of Jammu and Kashmir to India is not a matter of issue." Mirza Afzal Beg stated on February 6, 1975 that: "In the changed circumstances plebiscite had become irrelevant and that the name and objectives of the Plebiscite Front have to be changed accordingly."⁷⁰

Following the withdrawal from the right to plebiscite Sheikh Abdullah and his patronized leadership of the Plebiscite Front assumed power with the support of the majority Congress Legislature Party in Kashmir Assembly, in early, March, 1975. New life in the leadership of 1931 started, accepting that many had left on the way. In a letter to Mrs. Indira Gandhi Sheikh Mohammad Abdullah thus affirmed,

"The country is passing through a critical period and it is all the more necessary for all of us who cherish the ideals of democracy, secularism and socialism, to strengthen, your hands as the leader of the nation and it is in this spirit that I am offering my whole hearted cooperation."⁷¹

Thus a new era started—the era of power and influence. How could this be operative and compoundable? This could be done in accordance with the Accord—a natural consequence could be the conversion of the Plebiscite Front to the National Conference. Let us examine the Accord and the resurrection of the National Conference on the altar of the Plebiscite.

70. *Ibid.* pp. 23-24.

71. February 11, 1975.

CHAPTER III

Resurrection of the National Conference

The Plebiscite Front as a political party could exist neither within the Indian nor within the State constitutional framework. The preamble of the Constitution of Jammu and Kashmir reads as :

"We, the people of the State of Jammu and Kashmir having solemnly resolved, in pursuance of the accession of this State to India which took place on the Twenty-sixth day of October, 1947, to further define the existing relationship of the State with the Union of India as an integral part thereof....."¹

Consequential to this constitutional framework and the so-called delimiting relations between the Centre and the State in accordance with the accord, the Plebiscite Front had to erode all the earlier stand on the settlement of Kashmir. Even the comparison between the "Agreed Conclusions" in 1974 and the statements issued by the Plebiscite Front in 1973 shall reveal the difference. The Plebiscite Front in 1973 in a special session had general exchange of views on the situation prevailing in the sub-continent and in the State. The statement later issued did not talk of the struggle for plebiscite from 1953 onwards—whereas they condemned the State and Central Governments for denying elections to the party in the following

1. *Constitution of Jammu and Kashmir*, Vol. I, Ranbir Government Press, Jammu, 1970, p. 1.

words :

"The Plebiscite Front organization was banned on January 12, 1971 and Sher-i-Kashmir and chief office bearers externed from the State and thousands of our rank and file were clamped into prisons throughout the State. All these repressive measures were baseless and atrocious and were motivated by political reasons. The Front had announced its intention of participating in the general elections of 1972 as also in the mid term poll to the Parliament. The subject of the Government action was to exclude the Plebiscite Front from the elections. This became manifest by the action of Kashmir Government in March 1971, when the legislature passed most ignominious law of disqualifying the Front members from standing in elections. This was the unkindest out of all, and calls for unreserved condemnation. No canons of justice, law or Constitution can justify such black acts, matchless in the name of democracy."²

"After staging the farce of general elections of 1972 and having by dubious means removed the main opposition of Plebiscite Front from elections, the Congress party heaved a breath of relief and was conveniently back in the saddle. The externment orders were cancelled in May 1972 but the ban on elections continued. Meanwhile, in the process usual repression and oppression both on Plebiscite Front workers and the people in the State continued—the pattern was slightly different."³

In order to seek power through elections they further reiterated in the same resolution that :

2. Statement issued by All Jammu & Kashmir Plebiscite Front in Special Session held on 1st and 2nd September, 1973, Publicity Department of the organization.
3. *Ibid.*

"We have repeatedly said, and we hereby reaffirm it, in unmistakable terms that free and unfettered will of the people can be the only lasting sanction for a solution of the Kashmir issue. Any relationship which does not emerge from solid participation of the people will be no more than a farce and a mirage, and to base hopes for future thereupon would be to live in a fools paradise."⁴

In the same breath, the resolution appreciated the role of the Sheikh in the Indian politics which since 1953 he had nearly shunned. It felicitated him in the following :

"Plebiscite Front has noted that Sher-i-Kashmir's participation in the Indian politics is a further proof of his dedication to fight any injustice on the weaker sections of society. The minorities in India, more particularly the Muslims, are suffering from many privations, recurring communal disturbances have taken a heavy toll of their lives, they have legitimate grievances in regard to representations. So have other minorities like Harijats. Sheikh Saheb has advised them to unite and make a common cause with other victims of similar injustices. Plebiscite Front fully appreciates this approach as the only means to meet the challenge that faces them."⁵

The Sheikh at the same time had dialogues which resulted into something secretly. Writing to Shri G. Parthasarathi, Sheikh Saheb explained in the following :

"Apropos to our talks yesterday and the day before, I hope that I have made it abundantly clear to you that I can assume office only on the basis of the position as it existed on 8th August, 1953. With regard to the provisions of the Constitution or the Union laws and Entries applied to the J & K State after 9th August, 1953 judge-

4. *Ibid.*, p. 2.

5. *Ibid.*, pp. 2-3.

ment thereupon will be deferred until the newly elected Assembly comes into being."⁶

This could not, however, influence either G. Parthasarathi or the Central Government. Fact being that Government of India wanted to defuse the constitutional relationship between the State and the Centre further, to their advantage, made it possible for Mirza Afzal Beg and Mr. G. Parthasarathi to reach certain conclusions. Without conceding to the position of the first paragraph in the letter referred to above. The agreed conclusions reached through the well known 'Accord' are reproduced below :

1. The State of Jammu and Kashmir, which is a Constituent unit of the Union of India, shall, in its relations with the Union, continue to be governed by Article 370 of the Constitution of India.
2. The residuary powers of legislation shall remain with the State; however, Parliament will continue to have power to make laws relating to the prevention of activities directing towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National flag, the Indian National Anthem and the Constitution.
3. Where any provision of the Constitution of India had been applied to the State of Jammu and Kashmir with adaptations and modifications, such adaptations and modifications can be altered or repealed by an order of the President under Article 370, each individual proposal in this behalf being considered on its merits, but provisions
6. Sheikh Mohammad Abdullah, letter to G. Parthasarathi dated August 23, 1974, published by Secretarz, All J & K National Conference, Vishnath Press, Srinagar,

of the Constitution of India already applied to the State of Jammu and Kashmir without adaptation or modifications are unalterable.

4. With a view to assuring freedom to the State of Jammu and Kashmir to have its own legislation on matters like welfare measures, cultural matters, social security, personal law, and procedural laws, in a manner suited to the special conditions in the State, it is agreed that the State government can review the laws made by Parliament or extended to the State after 1953 on any matter relatable to the Concurrent List, and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under article 254 of the Constitution of India. The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to laws to be made by Parliament in future under the proviso to Clause 2 of that article. The State Government shall be consulted regarding the application of any such law to the State and the views of the State government shall receive the fullest consideration.
5. As an arrangement reciprocal to what has been provided under Article 368, a suitable modification of that article as applied to the State should be made by Presidential order to the effect no law made by the legislature of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision of the Constitution of the State of Jammu and Kashmir relating to any of the undermentioned matters, shall take effect unless the Bill, having been reserved for the consideration of the President, receives his assent, the matters are :

- (a) the appointment, powers, functions, duties, privileges and immunities of the Governor; and

- (b) the following matters relating to elections, namely, the superintendence, direction and control of Elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage and composition of the legislative Council, being matters specified in Sections 138, 139, 140 and 50 of the Constitution of the State of Jammu and Kashmir.
6. No agreement was possible on the question of the Governor and the Chief Minister and the matter is therefore remitted to the principals.⁷

With the conclusion of the Accord the politics of plebiscite also got eliminated and the politics of the National Conference resurrected. Sheikh Abdullah with Mirza Afzal Beg and two members, one from Jammu and one from Ladakh, were sworn in. The former two as Chief Minister and Deputy Chief Minister respectively and latter as Ministers of the Cabinet rank in early March, 1975. Immediately after the assumption of power the leaders decided to change the Constitution and the nomenclature of the Plebiscite Front. This ceremony was performed in Mujahid Manzil on 4th and 5th July 1975 in a special Delegate Session of the Front. The resolution reads as :

"Today, 5th July 1975, the All Jammu and Kashmir Plebiscite Front in a special session, after due deliberations for about thirteen hours amongst the delegates from all parts of the State, giving due cognition and serious thought to prevailing political situations, decided to change the name of the Plebiscite Front into the National Conference. For this purpose, appropriate amendments are visualised so that there is collaboration between the

7. *Kashmir's Special Status*, All J & K National Conference, Vishnath Press, Srinagar, pp. 9-10.

name and the deed—further the Committees subordinate to it accordingly bring a change.

The Conference unanimously agreed to request Sher-i-Kashmir to accept the leadership of the National Conference—the acceptance of the offer encourages the integration of various regions and sections of the State. Consequently, it will help the country and the nation to move on the path of reconstruction and honour.

The delegates session agreed upon that under present circumstances it becomes imperative to widen the organization both in content and goals so that more people join it. However, the greater priority shall be given and it shall be followed vigorously, while widening process of the organization continues, that such elements who were responsible for 1955 events and assassinations of democracy—who have tortured freedom lovers after 1953, do not and shall not creep in. Those people who after 1953 committed atrocities, anti-social activities and those who have proved opportunist are denied the entry into the organization—the organization remains pure.

Relating to it, the delegates request Jenab-i-Sher-i-Kashmir to give special attention to the fact that those who after 1955, fought for the achievement of freedom, however, and provided great examples of sacrifice, are honoured and ornamented. They should receive their due. Actually, these Mujahids were protectors and upholders of our cherished principles and high ideals for which the organization and Sheikh Saheb were fighting for during tyrannical and dark days—they alone can safeguard them in future.”⁸

The National Conference, thus resurrected both in its organizational pattern and in power, in the beginning two

8. All J & K Plebiscite Front Special Delegate Session, 4, 5 July, 1975, Mujahid Manzil, Publication and Information Division.

members. Mr. Devi Dass Thakur from Jammu, a retired Judge and the other from Ladakh, a retired Engineer were made members of the National Conference but none of them were the members of either house of legislature to become Ministers. All of them including the Chief Minister were appointed as such under article 36 of Jammu and Kashmir Constitution. The Accord provided a unique type of arrangement. It accommodated the leaders of the National Conference in the power structure of the State, by permitting Syed Mir Qasim to step down along with his Ministry and allowing Sheikh Mohammad Abdullah along with his Ministers to be supported in the legislature by the Congress. This arrangement did not function. There were two reasons for it. The Sheikh demanded unstinted support from the Congress and the latter desired merger of the Plebiscite Front into the Congress. Thus the National Conference dominating until the assumption of power, in the U.N.O. forums, in the foreign affairs of India and Pakistan, now played the politics of power—in the beginning capture of it and later in its retention.

How could the National Conference retain the power—this question in the first two years of their office was ticklish one. At one stage the Plebiscite Front was averse to merger or revival of the National Conference⁹ and the other time naming their organization on the pattern of ‘Jamhoori Mahaz’ and still other time merger with the Congress.¹⁰ The suggestion to the Congress, by the Sheikh, to merge their organization with the National Conference was not acceptable either to the Pradesh Congress Committee or to its high command. However, the politics of the confrontation between the Congress legislature party and the Sheikh’s cabinet started from the very beginning. Either had to give in—but time alone could

9. R.K. Kak, Abdullah Renews Plea for Congress, N.C. Merger Sunday Standard, Nov. 23, 1980.

10. *Ibid*

decide it. In between, in order to avoid confrontation, a four member co-ordination committee was formed, "In case of difference of opinion among members of the Committee on any issue, it was decided that the matter will be referred to Mrs. Indira Gandhi and Sheikh Abdullah for their decision."¹¹ However, the cleavages continued to widen and one of the main reasons being the allocation of seats in the Ministry. Consequently, the Sheikh in a speech at Charar-i-Sharief nearly 30 Kilometers from Srinagar in November 1975 called and pleaded for fresh elections to the State Assembly. Thus the politics of the State during the years 1975 and 1976 was mainly devoted to the rift politics of the Congress and the National Conference. The Congress demanding representation in the Ministry and the National Conference demanding unconditional support in the legislature from the Congress under the Accord.

The Congress and the Sheikh and his National Conference thus entered a politics of Centre-State relations. The Centre interested in retaining its organization in the State and at the same time not allowing the forces to antagonise the Sheikh who had come round after enough of political and pressure tactics. Assuredly, the Congress was not prepared to take risks on any side. The politics of status quo was carried for the years 1975 to 1977.

During this period, however, politics of administration had its meaning. The National Conference in power, the bureaucrat and its allies in the administration were made to play a distinctive rôle. It strengthened the National Conference hands both during the years of the status quo and later during the period of elections in 1977. The administration and bureaucracy were apprehensive of many things from the Sheikh's Government. Their apprehensive were based on the

11. *Ibid.*

national and international image of the Sheikh. Secondly, their greater apprehensive remained on their accountability towards the politicians, which at least had diminished during the period of Syed Mir Qasim's regime. However, their apprehensions were belied in due course of time as the Sheikh was absolutely different at this stage of his life and career, from his earlier image.

Consequential upon the capture of power the Sheikh's government desired certain innovations or reforms and changes. Its first attack was on the deteriorating conditions of the education standards and unfair means in examinations. The report of the National Conference presented,

"The first distinctive administrative step of the government was to restore order in educational institutions. At the time of Sheikh Saheb's assumption of power, the educational institutions were subjected to naked copying in examination halls, disorder, violence and goondaism. The new Chief Minister declaring these institutions as sacred, ordered disciplinary action against the students and himself went on inspection to various institutions. The order was restored and disorder was relegated to the history. The conscience of the youth was stirred and discipline established."¹²

The education portfolio remained with the Chief Minister and he initiated reforms in it. The government appointed certain commissions and in the light of their recommendations new changes were introduced. Consequently, enough funds were utilized over the construction of school buildings and libraries and repairs and reconstruction of older ones were initiated.¹³ Their were drastic changes in the system of

12. Numayan Karname, two years of Sheikh's Government, New Kashmir press, 1977, General Secretary, National Conference, p. 2.

13. *Ibid.*, p. 5.

education and teachers generally felt recovered from the earlier shocks they received on account of student-indiscipline.

The National Conference and its leadership had, before assumption of power and after the 'Accord' committed themselves to certain changes in the administration and promised clean and fair administrative set up. The Sheikh himself had said, "A clean and fair administration shall be inducted in the State."¹⁴ Consequential to the commitment, vigilance commission, agency and Anti-corruption Tribunal were reorganized and the Tribunals powers and jurisdiction were increased and enhanced.

The government, conscious of economic development of the State, appointed a "Economic Review Committee", under the chairmanship of Shri L. K. Jha, who is himself an economist of international repute. The terms of reference were : (a) Plans for economic development, (b) operation of plans, (c) To bring the State on the industrial map of India, (d) Opening of Detergent Factory at Jammu and reorganize and improve Cement Factory at Wuyan, Pampore, in Kashmir.¹⁵

The other economic and social improvements were initiated by reorganizing the Health Services, a Master Plan for tourism by opening and conducting a tourist complex on the bank of the beautiful Dal Lake. The Airport at Srinagar was decided to be upgraded to an international airport—Srinagar had a new bridge as against the old Amirakadal. Financial aid to old and invalid, improvement in public health schemes, arrangements for nationalization of transport on certain routes. In Jammu, a new bridge on Tawi provincial police complex, Police Colony at Candhinagar, Maulana Azad Stadium were completed during these two years of his Chief Ministership with Congress support in the Assembly. Further, Ladakh was

14. *Ibid.*, p. 2.

15. *Ibid.*, p. 4.

opened to tourists and many constructional works were initiated for public welfare. Gujar community was also assisted in its economic and social welfare. Subsidy on rice was abolished.¹⁶

During the years February 1975 to March 1977 Sheikh Mohammad Abdullah and Mirza Afzal Beg were in a position to win over bureaucracy on its own side but failed to bridge up the cleavage that occurred between the Congress and the men in power. When the cleavage reached its climax, the Sheikh as Chief Minister advised the Governor for the dissolution of the Legislative Assembly and so the later under Article 53 of Jammu and Kashmir Constitution dissolved it and Governor's rule was clamped.

With regard to favourable bureaucracy, the State Janata Party's requests for the removal of partisan officials and installation of complete impartiality of administration etc. before elections is an indication of this effect.¹⁷

In between the Accord and the elections to the State Legislative Assembly, an important and unique event had passed in the constitutional history of India. Emergency on June 26, 1975 had been clamped on India during Indira Gandhi's regime. The Janata party, "came into existence", writes Bazaz, "as a result of unification of several national and regional political parties to overthrow the dictatorship of Mrs. Gandhi who had made herself infamous by resorting to heinous deeds during an atrocious rule by imposition of draconian laws under emergency provisions of the Indian Constitution."¹⁸ Consequently, when (Mrs. Indira Gandhi) felt that the crisis are moun-

16. *Ibid.*, pp. 5-13.

17. Maulana Syeed Masoodi, An Express Telegram, dated 30th June, 1977. Appendix B, P. N. Bazaz, *Democracy Through Intimidation and Terror*, 1978.

18. P. N. Bazaz, *Democracy Through Intimidation and Terror* Heritage, Delhi, 1978, p. 37.

ting against her, she suddenly announced mid term poll—Janata succeeded in exploiting the Indian people's anger against Indira Gandhi and defeating Congress at the polls. "In northern India the victory of Janata Party was spectacular; it had captured the imagination of the masses who adored it. In 1977 Janata Wave had replaced Indira wave of 1972. Abdullah lost no time in extending his hand of alliance to Janata Party with the double aim of defending himself against the onslaughts of opposition in Kashmir valley and of recapturing lost political power in the State."¹⁹

Thus the State of Jammu and Kashmir, under the Governor's rule with effect from March 27, 1977 Janata Party at Centre, had to go for elections in June, 1977. Consequential to these events, politics of the elections was initiated. The National Conference trying to beat the Janata, which had been organized under the shrewd, experienced and old National Conferencite Maulana Masoodi, who was appointed as Convener Pradesh Janata Party and the vice-versa.²⁰ As in its history, so in elections the course of events was determined once again by the National Conference. Let us examine.

The National Conference left a committed bureaucracy and the Governor L. K. Jha was treated partisan and the advisor to the Governor, K. T. Sataravala, according to Bazaz, was conscientious and well-meaning but was rendered ineffective. The Janata spokesman P. N. Bazaz wrote :

"What heartening assurances were there given by the two men vitally concerned at the time with forging the destiny of the six million people of Jammu and Kashmir. But, alas, as the election drama began and scene after scene was enacted these proved to be more words without meaning."²¹

19. *Ibid.*, p. 38.

20. *Ibid.*, p. 96. (Photo captions).

21. *Ibid.*, p. 97.

Ending March 1977, the Governor's rule resulted in future electioneering. The months of May and June, 1977, witnessed enthusiasm in the electioneering. Most of the opponents of the Sheikh and most of the people, who had either been defeated or deserted by parties whether national or local joined the Janata Party. Attacks and counter attacks both verbal and physical were initiated in Kashmir politics, each blaming the other. So the 'daily Aftab' had a banner line which read, "City again under the grip of terrorism, law and order machinery rendered ineffective."²²

Not only did political factions create terrorism but religious section also inducted it on the political scene of Jammu and Kashmir. Shias and Sunnis conflict was inducted at several places, resulting into terrorism. Maulana Ansari a Janata Party member consequently demanded an impartial enquiry into the happenings at Narabal and Ganasthan.²³ During the months of May and June 1977, most of the local dailies are filled with incidents and accidents of terrorism in the State. Even P. N. Bazaz, wrote the book, explaining the reasons which thwarted the normal democratic process in the State. He blamed the National Conference and its leadership for the induction of terrorism in the politics of Jammu and Kashmir.²⁴

The press, however, predicted far ahead that the National Conference has an edge over other political parties in the elections. The banner of a daily ran,

"On the election front of the valley,

22. *The Aftab, Daily*, Srinagar, dated June 21, 1977.

23. *The Aftab, Daily*, Srinagar, dated June 21, 1977.

24. P. N. Bazaz, *Democracy Through Intimidation and Terror*, Heritage, Delhi, 1978.

the conditions to a great extent favour the National Conference."²⁵

However, the reasons of the National Conference victory as understood immediately after the elections were many. Firstly, the Sheikh's historical image could not be over-run by anybody over-night. In addition the fact that he was interned nearly fourteen years, could be on the side of his political credit. Thirdly, the Janata leadership had no diplomatic moves. The Prime Minister of India, Mr. Morarji Desai in a statement spoke,

"The State-government should deal unsparingly with goondaism. Those officials who lack sense of responsibility should be removed from key posts and partisan officials should be suspended and punished."²⁶

The two other Janta leaders who visited Kashmir, proved to be more diplomatic than their Prime Minister. The Home Minister Charan Singh spoke before public in Srinagar,

"Goondaism would not be tolerated—whatever has happened in the past this time the elections are bound to be free and fair."²⁷

The Defence Minister Jagjivan Ram, in a public speech, said,

"The government will not hesitate to take strongest action if there is any attempt to resort to violence and intimidation."²⁸

The Defence Minister further advised the Sheikh,

25. *The Aftab, Daily*, dated June 11, 1977.

26. P. N. Bazaz, *Democracy Through Intimidation and Terror*, Heritage, Delhi, 1978, Photo captions, p. 96.

27. *Ibid.*

28. *Ibid.*

"The Sheikh must now go to repose and leave practice of politics."²⁹

All these statements had sharp reaction in the public opinion, at least in the Valley. The public reconsidered their decision on questioning the right of the Central Ministers with regard to Kashmir leadership. What was earlier treated as anti-Abdullah wave by P. N. Bazaz, had later turned to be Abdullah wave. The National Conference in its mood to fight all opposition had by the end of May, 1977 issued its party manifesto. The manifesto starts with the message of the Sheikh as early as 1935. It emphasised that Sheikh Mohammad Abdullah, as early as 1935, had for the first time started struggle for Hindu-Muslim unity, economic and political freedom by which they were to impress the historical role of the Sheikh, in the following words,

"The goal of my struggle is to free my motherland from slavery—Let us, therefore rise above the petty contradictions of communalism and unite ourselves to struggle for the economic uplift of the people. I request my Hindu brethren not to have false apprehensions, we promise them that in the event they cooperate with Muslim majority, they shall defend their rights in the manner and style of their own."³⁰

The manifesto had one general characteristic—and that was the emphasis on the Sheikh's role in the State of Jammu and Kashmir. It played the charisma of the Sheikh and it referred more to his historical role, the importance of the Naya Kashmir as socio-economic programme of the National Conference. It read,

29. *The Aftab, Daily*, Srinagar, June 22, 1977.

30. *National Conference Ka Intikhabi Manshoor*, 1977, General Secretary, All J & K National Conference, May 23, 1977, p. 2.

"The National Conference, in its economic and political programmes, desires to make Naya Kashmir operative. Its essencielies in democracy at political and socialism at the economic level."³¹

The manifesto analyzing the role of the Sheikh, in the post 1947 era, explains that the aim of the National Conference is to provide an honourable place in the Indian democracy. It declared that it was the National Conference only which had been responsible to have J & K State its own Constituent Assembly, to draft its own Constitution. It also claimed that the State's special status was secured by the National Conference. Further elaborating the constitutional relationship between the Centre and the State it said that Article 370 had been limited to three relations only—Defence, Foreign Affairs, and Communications. It also claimed that Delhi Agreement of 1952 also limited the choice of the Centre. Commenting on 1953 events, the manifesto said,

"When Sheikh Mohammad Abdullah consistently adhered to the safeguard of Article 370 and Delhi Agreement, they conspired against the National Conference and played the bloody drama of 1953."³²

Tracing the struggle and commitment from 1931 to 1947 and onwards desiring to start the threads of politics and relations from the point where Mr. Nehru had left, the manifesto explains how the Accord was concluded. Hopeful of future the National Conference believed a pleasant change to occur in the political atmosphere of the State. The manifesto translates the letter of Sheikh Saheb addressed to Shri Parthasarthi which runs as follows :

"Apropos to our talks yesterday and the day before, I hope that I have made it abundantly clear to you that I

31. *Ibid.*, p. 3.

32. *Ibid.*, p. 6.

can assume office only on the basis of the position as it existed on 8th August, 1953."³³

The National Conference also made it clear that a new Constituent Assembly could have been convened in 1975, had not the emergency been proclaimed. It said that the National Conference does not require any evidence to prove its great achievements for the party had abolished hereditary kingship, Jagirdari system and removed the burden of debts on the peasantry. It also claimed that the party had instituted Constituent Assembly, sovereign institutions and the planning in the State.³⁴ Thus the National Conference tried to prove that its historical role had been really great.

After tracing the historical by significant role of the National Conference, the manifesto, advised the people to elect the party to power so that it could bring them honour and bring a social change in accordance with the 24 promises put it in black and white. These promises we hope to discuss in the next chapter.

Whether the manifesto had any impact or not is verifiable through the results of elections. However, a new dimension in the public opinion caused by the illness of the Sheikh had devastating results for the opposition parties. Before elections, on June 13, 1977, a National Conference press release announced that the Sheikh "is suffering from heart trouble for the least one week".³⁵ Two specialists, Dr. M. C. Bhatia, head of the department of cardiology and Dr. J. S. Bajaj, Professor of Medicine at the All India Institute of Medical Sciences in New Delhi, were flown to Srinagar to examine Sheikh Mohammad Abdullah. The news of his illness spread like wild fire; hundreds of his followers paraded the streets and proceeded to

33. *Ibid.*, p. 9.

34. *Ibid.*, p. 10.

35. *The Indian Express*. June 14, 1977.

his house. Telegrams and messages of sympathy including those from Prime Minister Desai, Home Minister Charan Singh, Janata Party President Chandra Shekhar, Mrs. Indira Gandhi poured into the Sheikh's house. Dignitaries from all classes and communities paid calls at his residence. The city and the Valley talked of nothing else but the illness of the Sher-i-Kashmir. Sheikh's opponents treated it as "Feigned illness", and even some wrote, "what else did the 'heart patient' need to boost the fallen shares of his political stock³⁶. The fact remains that the National Conference had the best dividends to cash on his illness in the elections.

The Sheikh's historical image, his charisma debility of the opposition, enervation of the Central leadership, inactivity of the workers of the opposition, and the illness contributed to the rise of the National Conference as party in power. Consequently, the Legislature Party of the National Conference met, on July 8, 1977 and decided with a unanimous vote upon Sheikh being the majority leader. Out of total membership of the Legislative Assembly, the National Conference had secured 30 Congress 11, Janata 13, Jamat-i-Islami 1 and 10 seats independent.³⁷ The resurrected National Conference had again chance to determine the course of political development of the State.

Soon after first fair and democratic elections, the Sheikh assumed power as a charismatic leader. He had a clear mandate from the people to go ahead with the National Conference had only 47 seats in the Assembly. He decided to support the party which had the most seats. It secured 69 members among which the National Conference dominated the scene.

36. P. N. Bazaz, *Heritage*, Delhi, 1977, pp. 12-13.

37. P. N. Bazaz, *Heritage*, Delhi, 1977, pp. 12-13.

of the State.³⁸ In the first appearance before the public both after elections and illness, the Sheikh at Pologround in Srinagar used the same old strategy of reciting the Quran and the verses from Dr. Iqbal. The verses of Iqbal reflected the Sheikh's oft-repeated sentiment :

ए तायर का होती उस रिजिक से मौत अच्छी जिस रिजिक से आबी हो परवाज़ में कौता है 39 ।

Soon after swearing in ceremony, the Sheikh's Government started functioning and the administration was disciplined. The overall disturbance in law and order which was usually abnormal during election period started coming back to normalcy. Consequently, the Sheikh asked his administration to solve with determination and impartiality the problems of the people.⁴⁰ Soon after Janata leaders at the Centre declared their support to the State administration and avoidance of any confrontation. This sentiment was conveyed to the State Ministers through L. K. Jha, Governor of the State, who visited Delhi to provide first hand information to the Central Government on Kashmir.⁴¹

Consequential upon such sentiments of the Centre, the State leadership reciprocated. It said that in case the Centre cooperates with us, Kashmir will perform the most constructive and historical role in building new India. The leadership held the opinion that they were prepared to cooperate.⁴² The working between the National Conference and the Government leaders started in right earnest.

At the moment the National Conference stabilized itself in the Government, some kind of confrontation started with the Government. The Conference had cashed in the elections on inter-alia, restoration of pre-9th August 1953 position and

Heritage, Delhi, July 23, 1977.

Heritage, Delhi, July 8, 1977.

Heritage, Srinagar, July 12, 1977.

Heritage, Srinagar, July 19, 1977.

Heritage, Srinagar, July 20, 1977.

as soon as they came to power they had no alternative but to talk about it. Before the Legislative Assembly met on September 8, 1977, the Congress, which had earlier decided to support the Sheikh and the Janata Party Central leadership had earlier also declared to co-operate with the National Conference, declared that any move towards the restoration of 8th August, 1953, position will not be supported by them.⁴³ At the same time, Beg Sahib, Deputy Chief Minister, having declared in Delhi that no unilateral step in the constitutional relationship shall be taken up, declared in the same breath that all laws, within the subjects of Concurrent List shall be reviewed.⁴⁴

Generally, the Sheikh was dominating the scene and the National Conference Effectively controlling the political atmosphere in and outside the State in relation to Jammu and Kashmir. During October, when the President of India visited the Valley he was given a rousing welcome. In the historical Shalimar Bagh, he was accorded civic reception, where, he in reply to Sheikh Saheb's welcome address remarked,

"Sheikh Saheb is not only Sher-i-Kashmir, he is Sher-i-Bharat as well."⁴⁵

Undeniably, Sheikh Saheb's attractive political personality, has provided the National Conference the greatest dividends. Whether it was the Muslim Conference from 1931 to 1939 or the National Conference from 1939 to 1953 and later Plebiscite Front and finally the resurrected National Conference, the Sheikh dominated the political scene every time. It was in this context that his opponents wrote,

"In order to understand the essence of Kashmir politics during the last 45 years, it is well to remember that whatever his profession of faith and acceptance of principles, Abdullah has invariably utilized the two weapons

43. *The Aftab*, Daily, 28th August, 1977.

44. *The Srinagar Times*, Daily, September 3, 1977.

45. *The Aftab*, Daily, October 11, 1977.

whenever occasion arose during the course of his political career to vanquish his political rivals or those who stood in the way of fulfilment of his ambitions."⁴⁶

During 1978, the price rise became a concern with the common man. The Government was labelled to have failed on the economic front. Both opposition and the public showed greater concern—and the opposition tried to exploit the situation. The Awami Action Committee was critical of the party in power as according to them they had failed in solving the problems of the people. It said, "Price rise, unemployment, corruption at the administrative level and favouritism has come to its cancer stage."⁴⁷ To counter attack it the National Conference government had to take some repressive measures. The police was permitted to have raids on various big business houses and godowns.⁴⁸ It resulted into a temporary relief and stabilization in prices. Later, there was again price hike in paddy and other estates.⁴⁹

Soon after the assumption of power by the National Conference, its leadership felt that some kind of factionalism in the organization was creating a future threat of its disintegration. The Sheikh visualized it. He invited the members of the legislative party of his organization and the executive, to a conference under emergency conditions on September 26, 1978. Later, he had a public speech on September 27, 1978, in which he explained in detail the policies of the National Conference and the conspiracies which were being hatched against his leadership. On September 26, 1978, Beg, who returned from Delhi, was asked to tender his resignation, which was placed

46. P. N. Bazaz, *Democracy Through Intimidation and Terror*, Heritage, Delhi, 1978, p. 10.

47. *The Aftab*, Daily, Srinagar, September 14, 1978.

48. *Ibid.*

49. *The Aftab*, Daily, September 16, 1978.

before the Chief Minister and the same day accepted.⁵⁰ Thus Beg, after an association of forty six years with the Sheikh and his organization was out. Till then it was believed that Beg is the brain behind the Sheikh. While explaining the custer of Mirza Afzal Beg before the public, the Sheikh said,

"Beg Saheb has been working with me for the last forty five years. I had to secure resignation from him because he had become power thirsty. He desired Chief Ministership. His task for the last some months has been to encourage factionalism in the National Conference. I accept that he has been all along faithful to me but I gave him everything except Chief Ministership. I consider him responsible for the indiscipline in the election to the Legislative Council. He had personal alliance with Congress, to see that his own candidate is elected. In getting Yaqub Beg elected, though he has public stigma, he (Beg Saheb) used Malik Mohiuddin, the Speaker of the Legislative Assembly to arrange his victory. Malik Saheb is presently out of the country and when he returns he shall have to be accountable."⁵¹

Thus the National Conference was weeded out of the dissident group and the Sheikh secured overall control of the organization. Further, a novel procedure was adopted by the Sheikh by introducing the oath of allegiance to the party leadership⁵²—consequently those of the members who had been supporting the Beg faction, did not take the oath. Though Sheikh Abdullah justified such an oath from party members under the Constitution of the organization, yet virtually it is a novel procedure that he has introduced. Later Beg Saheb

50. *The Aftab*, Daily, September 29, 1978.

51. *The Aftab*, Daily, Srinagar, September 28, 1978.

52. *India Today, Troubled Winds in the Valley*, an interview by Sunil Sethi, November 15, 1980.

introduced a new party but had to abandon it, in due course of time on account of the modulation of Dr. Farooq Abdullah and secondly on account of public apathy.

In addition to the ouster of Mr. Beg, the Sheikh being apprehensive of political developments in the State, a Bill was introduced which later became known as Anti-defection Act. This Act was passed in September 1979 and envisaged to curb the defections from one political party to another in the legislature. One M.L.A. who defected to Congress became a matter of controversy between the Speaker of the Legislative Assembly and the National Conference. "This, Mohi-ud-din, the 44-year old Speaker from Srinagar was unprepared to do, arguing that Bashir had obtained a stay order in court. Irked by the Speaker's unrelenting stand, and further prejudiced by, his long standing association with the Sheikh's desperately ailing rival Mirza Afzal Beg's removal, followed by Anti-defection Bill culminated into the fall of the Speaker, Mohiuddin Malik. On these developments Sheikh Saheb had observed thus :

"If he (Sheikh) was convinced that Mr. Beg was involved in the defection of some National Conference legislators during the recent elections to the State Legislative Council, it is not possible for us to work together either in government or in the National Conference."

"The government was of the National Conference party and if we seek an oath of allegiance from its members, there is nothing wrong in it."⁵³

With regard to the involvement of the Speaker Sheikh Abdullah stated,

"The former Deputy Chief Minister, Mirza Afzal Beg, had used the Speaker of the State Assembly, Mr. Mohiuddin Malik as a tool to bring about defections in the party during the recent elections to the State Legislative."

54. *The Indian Express*, September 26, 1978.

Council. On Mr. Mohiuddin's return from his tour abroad action will be taken against him."⁵⁵

The Sheikh and its queen the National Conference, since Indira Gandhi's assumption of power, had not changed its stance towards Pradesh Congress (I). Though the Sheikh continued its policy, of confrontation with Pradesh Congress Committee, yet he was playing a cat-and-mouse game with Mrs. Indira Gandhi. Wrote Sunil Sethi at the end of the expulsion of the Speaker and propogation of the State Assembly,

"Relations between Mrs. Indira Gandhi and Chief Minister Sheikh Abdullah, which have neither improved nor deteriorated since she returned to power in January, but carry on ambiguously with their periodic ups and downs. What is almost certainly eliminated is the possibility of a Congress (I) National Conference coalition once actively speculated upon. Congress (I) being the major opposition in the Assembly, with eight members against 47 of the National Conference, the no confidence motion against the Speaker arose specifically from the defection of a National Conference M.L.A. Mian Bashir to Congress (I) in June."⁵⁶

Thus, the National Conference with the help of the towering personality of the Sheikh was in a position to maintain a distance between the Centre and the State through the on and off relationship. Ostensibly the relationship which should have been constitutional is personal—petty doubts and petty sweetness. Sheikh Saheb in Kashmir talks in a language that he requires for domestic use—This language may cause injury to Delhi or please her depends on the position whether he is safe in power or not. Beg Saheb as was asserted, involved

55. *Ibid.*, September 28, 1978.

56. *India Today*, the Magazine, Delhi, p. 31.

himself in defection, Malik, the Speaker being his tool Legislative Assembly building caught fire, uneasy political atmosphere prevailing in the Valley and opposition in the Assembly became vociferous—ill political winds were replaced by colder autumn breezes.⁵⁷ The National Conference controlled and was capable to come out of these trouble winds. Its consequence being either a slash on Hindu communalism in India by the Sheikh or raising issues of internal autonomy, amity between India and Pakistan, Pakistanis occupied Kashmir and the position of State before 9th August 1953.

By the end of 1979, before the elections to the Lok Sabha, Abdullah wave, according to R. K. Kak was missing. "But when all is said and done", wrote Kak, "the personality of Sheikh Abdullah, the star campaigner of the ruling party in ultimately going to sway the electorate in the Valley's two constituencies in favour of National Conference candidates. The failure of the opposition to put up common candidates, has also strengthened the hands of the National Conference. In the Valley, the main opposition to the ruling party seems to come from urban areas. But the rural voters, who constitute about 75 percent of the total electorate, are, by and large, favourably disposed towards the Sheikh."⁵⁸ The consequence of the elections to the Lok Sabha proved beyond doubt that the Sheikh wielded still the influence on the electorate in Jammu and Kashmir. Further by the beginning of 1980, it was known to most of the political analysis that National parties were constantly at a loss in Jammu and Kashmir. "With the national parties having lost much of their influence in Jammu and Kashmir, the forthcoming Lok Sabha poll will provide an opportunity to the ruling National Conference to dispel the general impression that it represents only the Muslim

57. *Ibid.*

58. *The Times of India*, December 27, 1979.

dominated Valley to the exclusion of the other two regions Jammu and Ladakh.

The Chief Minister, Sheikh Abdullah, obviously had this in mind when he declared soon after the election notification that his party would contest all six Lok Sabha seats in the State. His retreat from this stand and his subsequent decision to enter into an alliance with the Congress (I)—no doubt on his own terms—were also motivated by the same desire.⁵⁹

Right from the assumption of the power by the National Conference in 1977, its leadership continued to have confrontation with the Centre. Hardly any cordial months in the beginning of the regime, the National Conference and the Pradesh Congress Committee did not go together peacefully. It is believed that it was in consonance with the psychology of the Sheikh, not to agree to reconcile with the Pradesh Congress leadership whom he treated children in the arena of politics. Consequently, still in the Centre-State relations, the hide and seek continues. After Accord the Sheikh and Indira Gandhi at Centre resolved differences bilaterally but her fall resulted in amicable relations between the Sheikh and the Janata leadership. Accordingly, the fall of Janata and the rise of the Congress, resulted in the cat and mouse relationship between Indira and the Sheikh. In the month of January 1980, the Shaikh met Mrs. Indira Gandhi to discuss some "vital points" with regard to future relationship of the ruling National Conference with Congress (I) in the State.⁶⁰

Though National Conference had poor understanding with the Congress (I), the Chief Minister's reported statement about two months earlier that it should merge with the National Conference had created a gulf between the two. Another factor responsible for strained relations was the Sheikh's uncompro-

59. *The Times of India*, December 25, 1979.

60. *The Indian Express*, January 14, 1980.

mising posture⁶¹ in distribution of six seats for the Lok Sabha elections from the State, while the Congress wanted 50 per cent of seats, Chief Minister had conceded only one seat. The utterances of the Sheikh from time to time hit the Congress and Pradesh Congress leadership. Once he cautioned the people of the State against the "machinations" of certain political opportunists and adventurists who were out to subvert the peaceful atmosphere in the State. Such power-hungry elements wanted to barter away the interests of the people for petty gains, he added.⁶²

The Union Home Minister said on July 5, 1980 that the ruling National Conference and the Bhartiya Janata Party had a "secret alliance". He cautioned the Sheikh that it was bound to impair his secular image.⁶³ The Sheikh in a rejoinder to the Home Minister asked him to prove the allegation with concrete evidence against the National Conference that it was having a secret understanding with communal forces like the Bhartiya Janata Party.⁶⁴ And in case he failed to do so, he asked him to quit.

The Sheikh, in their overtones, talked to the Home Minister, whereas he tried to be diplomatic with Mrs. Indira Gandhi, knowing well that power rested with her. Commenting on Afghanistan crisis he said, "the situation is tense and the clouds of war loomed large over the sub-continent". Endorsing the stand taken by the Prime Minister, he said her efforts needed to be supported in the interests of peace.⁶⁵ However, Mrs. Indira Gandhi, more than one occasion and Sheikh Abdullah on dozens of occasions assailed each other on various stands taken by each. The war of words continue even upto now. Several political leaders of Janata and the Congress expressed

61. *Ibid.*

62. *The Indian Express*, July 3, 1980.

63. *Ibid.*, July 5, 1980.

64. *Sunday Standard*, July 6, 1980.

65. *The Times of India*, April 19, 1980.

surprise at the reported speech of Sheikh Mohammed Abdullah on the Martyrs' Day in Srinagar that "neither India nor Pakistan can enslave Kashmiris."⁶⁶ Janata also decried Sheikh's remarks.

In July, 1980, Sheikh Mohammad Abdullah left for Delhi and wrote the Indian Express that he had "a crucial twin-mission—to seek enhancement of State's current year's plan allocations and to try to overcome the growing strains or relations between his government and the Centre."⁶⁷ In the capital he met the Prime Minister and Finance Minister and also tried to patch up the growing rift between his National Conference and the Pradesh Congress (I) leaders. His party's relations with the State Congress (I) had sharpened during past few months. Provoked by the Congress (I) leaders' criticism of his government, the Sheikh first hit back and charged the Congress (I) leaders with "plotting to topple his government". The differences had assumed serious proportions with his controversial July 13, Martyrs' Day speech in Srinagar.⁶⁸ The two leaders met for 90 minutes and later, the Chief Minister had discussions with the Planning Commission on the State's plan for the year 1980-81. According to the press release issued by the State government, the Commission had agreed to raise the approved plan outlay by Rupees 10 Crores to Rupees 147.48 Crores. The State Government had sought an additional allocation of Rs. 30 Crores.⁶⁹ However, strains on the relations continued and the Sheikh every time had a chance to determine the politics of Centre-State relations.

It was sometimes asserted by the Pradesh Congress leadership, in addition that the National Conference has secret

66. *The Indian Express*, July 16, 1980.

67. *Ibid.*, July 22, 1980.

68. *Ibid.*

69. *Ibid.*, July 23, 1980.

alliance with Janata Party, that it is working in collusion with the Jamat-i-Islami and its youth wing Jamait-i-Tulba, as well. When the question of "Islamic Meet" arose the official spokesman denied that the State government had ever supported a proposal to hold a four-day international Islamic youth conference from August 22, in 1980. "In a sharp reaction to a report published in a national daily, the spokesman said the Chief Minister, Sheikh Abdullah, had in unambiguous terms pronounced that his government would not allow the Jamiat-i-Tulba to hold the Conference."⁷⁰ The Conference, however, did not take place. Later on August 18, 1980, 178 persons belonging to Jamiat-i-Tulba and the People's League were arrested in night-long swoop in Srinagar. Thus the Centre-State relations had achieved a demension whereby the Sheikh and the National Conference had to prove themselves more loyal than the king at times and some times hit back.

As a sequel to the "Islamic Meet" and fundamentalist tendency in the Valley, the State government issued an Ordinance on August 23, 1980, known as the criminal law (amendment) Ordinance to effectively check communal incidents and provide for deterrent punishment to anti-social elements. Under this Ordinance 12 sections of the Code were amended and scope of Section 153-A had been widened. The Section dealt with offences like promoting enmity between different groups on grounds of religion, race, place of birth, language and the like. At the same time it widened its scope to cover such offences committed through the press media.⁷¹ Commenting on the Ordinance the editorial of the Indian Express, said,

"Sheikh Abdullah's government has taken the lead in combating the current ill winds of communalism by an Ordinance that provides for more stringent punishment

70. *Ibid.*, August 8 and 9, 1980.

71. *Sunday Standard*, August 24, 1980.

of persons who disturb the peace by inciting sectarian passions or hurting the religious feelings of any community.⁷²

On the other hand the Congress assailed this Ordinance on the ground of curbing the freedom of press in State. Mr. Bhim Singh had said that there was no need for such an ordinance in the State as then incidents were not communal but anti-national in character for which the State had only last year enacted the Public Safety Act.⁷³ The Jammu and Kashmir Democratic Conference and Bhartiya Janata Party said that the new Jammu and Kashmir Ordinance promulgated may be used as a 'play' to suppress democratic opposition in the State.⁷⁴

The Sheikh and its National Conference, after the assumption of power, had not only to face the opposition in the legislature but outside it. It (National Conference) had not to face the Central leadership only but Parliament and the Indian press as well. Consequently, whether it was Anti-Defection Bill or The Kashmir Safety Act, or the J & K Ordinance of August 1980, the opposition row went to the Assembly or the platform whatever suited the parties. The heated controversy that had arisen over the recently promulgated Ordinance amending the State Penal Code and the criminal Procedure Code, was later diverted to the J & K Legislative Assembly during the autumn session.⁷⁵

Sheikh Mohammad Abdullah, having a stature of international repute, many a time refuses to succumb even to international or domestic pressure. On 1st September 1980, the Sheikh declared that the Jamat-i-Islami, which had incited trouble in the State, was receiving money from some oil-rich

72. *Indian Express*, August 25, 1980.

73. *Ibid.*, August 26, 1980.

74. *Ibid.*, August 28, 1980.

75. *The Sunday Standard*, August 31, 1980.

West Asian countries.⁷⁶ He had usually taken the stand that the areas of Kashmir, under the occupation of Pakistan belonged to the Kashmir which had acceded to India. At the same time he believed and therefore gave statements to that effect that India and Pakistan should settle their disputes amicably at the bilateral level. In certain international problems like Afghanistan, West Asia and others he supported Indian policy by and large.

At the end of September, 1980, there was a change in Congress (I) attitude toward National Conference. The Prime Minister Indira Gandhi's assurance to non-Congress (I) ruled states that the Centre had no intention to topple them and the Jammu and Kashmir Chief Minister, Sheikh Abdullah's assertion at a news conference in Delhi that there had no communication gap between her (Mrs. Gandhi) and him had created amicable atmosphere. She intended, as the Sheikh asserted, to bring a change in the political atmosphere of the State.⁷⁷ However, this change also was temporary—the events that followed in 1981 and beginning of 1982 subscribe to the view that the game of political hide and seek continued unabated. Just after the censure motion against the Speaker, the Sheikh said,

"Mrs. Indira Gandhi is not a dictator and will not act unconstitutionally. The Sheikh accused the Pradesh Congress(I) of having created a law and order situation in the State recently. Now they (Congress I) had attempted to create a constitutional crisis. They could not just go to Delhi to get a warrant to throw me out of power. I am sure Mrs. Indira Gandhi shall not act in an unconstitutional manner."⁷⁸

A serious event, marks the charisma of the Sheikh, when a minor road accident near Badshah Chowk Srinagar snowballed

76. *The Indian Express*, September 2, 1980.

77. *Ibid.*, September 4, 1980.

78. *The Aftab, Daily*, Srinagar, May, 1, 1981.

into a major riot between 26th and 27th night of July, 1980. The minor accident involved an army truck. It should have passed off as a trifling incident but became a major riot when a group of civilians at Amirakadal by belaboured the truck driver and presented him before a police. The Jawans, instead of reporting the matter to the higher authorities for getting their driver released, succumbed to the provocations and retaliated by setting several taxis and shops on fire, resulting into a more desparation and consequently violence.⁷⁹ The Sheikh's courage to speake to the people at Lal Chowk and subsiding and controlling the passions of the people was commendable as well as charismatic.

During 1981-82, the politics of Jammu and Kashmir centred round the Center-State relations. The National Conference on the one hand tried to brow beat the Central Government and the Congress (I) leadership and on the other provoked the Pradesh Congress (I). Some times the Central leadership tried to appease the National Conference leadership and provoked at times. When in April 1981, the Central Income Tax agency raided the big business class in Srinagar, the National Conference reacted to it sharply. The Sheikh retorted the Central leadership with the remarks,

"The Kashmir individual character shall not be permitted to be altered. Recent income tax raid on businessmen in Kashmir was motivated by political expediences."⁸⁰

Mrs. Indira Gandhi visited Jammu during ending April, 1981. In her public pronouncements she accused the smelts of National Conference for confronting the Centre to highlight his personal rule. The Aftab daily commenting on it thought the political atmosphere to be ablaze.⁸¹ The Sheikh

79. *The Indian Express*, July 29, 1980.

80. *The Aftab, Daily*, Srinagar, May, 1, 1981.

81. *Ibid.*, May, 3, 1981.

in his reply to Mrs. Indira Gandhi advised her to settle the issues between the Congress (I) and the National Conference by ordering mid term pole in the State.⁸² Further, the Sheikh declared that the interest of the people of the State is the goal of the National Conference and the confrontation or collision and uncertainty will hinder the progress of the State.⁸³

The tendency of growing verbal confrontation between the Centre and State leadership was increasing. The Sheikh in Iqbal Park Srinagar, did not defend and justify his stand only, he attacked the Congress (I) behaviour in such a manner and style as if he had recovered the earlier position before assumption of power. He severely criticised the Centre and blamed them for Income Tax raids on businessmen, diminution of financial assistance and the attempts to conspire the fall of his government by illegal means. The Sheikh warned Centre that she will not be successful in her designs.⁸⁴ The National Conference leadership had an apprehension that the Congress (I) may make some National Conference legislators to defect to the Congress. The daily Aftab's Jammu representative did acknowledge such an attempt.⁸⁵

The Congress (I) attacked the National Conference and its leadership of committing to communal parties and conservative forces. When the Sheikh met Vajpae, Janata leader, the Congress leaders reacted very sharply. It said that the Sheikh is succumbing to communalism. They also treated the meeting a conspiracy against the Congress (I).⁸⁶ Retorting such allegations the Chief Minister remarks,

"The National Conference struggled to make Kashmiri master of his own fate and he is."

82. *Ibid.*

83. *Ibid.*, May 19, 1981.

84. *Ibid.*, May 24, 1981.

85. *Ibid.*, May 30, 1981.

86. *The Aftab, Daily*, Srinagar, June 3, 1981.

Consequently, the Sheikh asserted that the party is to protect and safeguard the rights of the people—the opponents cannot damage us.⁸⁷

The National Conference in countering the attacks of the Congress decided to bring round Jamat-i-Islami Kashmir and its youth wing, Jamat-i-Tulba, the Awami Action Committee led by Maulana Farooq and it was successful in compromise deal. The leadership of the National Conference also tried to woo the Janata. It was successful in neutralizing them. The Janata Party leadership, consequently gave moral support to the National Conference. It said that the Congress wants to share power under duress.⁸⁸ The Sheikh, after neutralizing the various political parties, except Peoples Conference, asked the people to have confidence and determination to protect their rights and interests. He said,

“We shall not permit anybody to auction our freedom.”⁸⁹ He also reiterated that none shall be permitted to play with the fate of the Kashmiris. There were some according to him who befooled the Kashmiri and he hoped that people will not follow them. The Sheikh, while the rumours were afloat that the elections were to be held soon, declared that the fixations of time for elections is the exclusive right of the National Conference.⁹⁰ While this verbose confrontation was going on, there was a move by Syed Mir Qasim and the Governor B.K. Nehru to work out a compromise formula to bring the Centre and the Sheikh closer to each other. However, the two mediators failed in bringing the parties together.⁹¹

During July, in pursuit of compromise on the initiative of

87. *Ibid.*, June 6, 1981.

88. *Ibid.*, June 12, 1981.

89. *Ibid.*, June 17, 1981.

90. *Ibid.*, June 23, 1981.

91. *Ibid.*, June 21, 1981.

the Governor of the State and Mir Qasim, Indira Gandhi visited Srinagar. The Sheikh and Mrs. Indira Gandhi, on the platform flattered each other and expressed that there were no strains, in their relations. Mrs. Indira Gandhi remarked that she had no discussions with the Sheikh about his participation in the Congress. She said that there were many non-Congress governments in India, and it was no problem in any way in the federal structure of India. However, when Sheikh Saheb remarked that his statements and pronouncements were misrepresented and misunderstood Mrs. Gandhi retorted :

“However, I do not know who amongst you misrepresents Sheikh Saheb.”⁹²

August 1981 marked a significant event in the resurrected National Conference. In this month, Dr. Farooq Abdullah as the President of the party was elected through a convention of the party. An unparalleled procession from Mujahid Manzil, the headquarter of the party, to historical Lal Chowk in Amirakadal marked the occasion with colourful gaiety,⁹³ on the occasion the Sheikh before the public said,

“After fifty years, I get a chance on this historic moment to transfer to the younger generation, the trust handed over to me by martyrs—I lightened this torch, and many a storm could not extinguish it—until today when I transfer. Forvently, I hope that Dr. Farooq shall prove worthy of the trust. I transfer my presidency to him.”⁹⁴

Dr. Farooq in reply to his father and in response to the public sentiment remarked :

“The trust that is reposed in me, is commendable. Hope to prove myself worthy of the trust that is being reposed

92. *Ibid.* July 27, 1981.

93. *Ibid.*, August 22, 1981.

94. *Ibid.*

to me. I dedicate, this day, myself to the service of my people and the organization. I declare that I would bring the piqued people round and explore those who are opportunist."⁹⁵

During the convention, in addition to transfer of Presidency from father to his son many resolutions were passed by the National Conference and its General Assembly. It adopted a resolution demanding the establishment of a national economic commission to carry out an integrated examination of the various aspects of planned economy and the price structure. Among other resolutions adopted were, relating to economic affairs, international affairs and one devoted to implementation of the Naya Kashmir programme and autonomy.⁹⁶

The economic resolution highlighted the State's achievements in various fields. It was pointed out that the State would achieve self-sufficiency in foodgrains in another two years; there had been a 145 per cent increase in the installed power capacity and more villages had been provided potable water during the last six years.⁹⁷

The resolution, however, pointed out that the country was facing grave problems, including those of inflation and falling industrial production. In view of this there was need for checking the price spiral, full utilisation of existing capacities, evolving a comprehensive wages and income policy and providing employment avenues for educated and rural youth.⁹⁸

In the resolution on international affairs, an appeal was made to strengthen world peace. Special mention was made

95. *The Srinagar Times*, August 22, 1981. and
The Aftab, Daily, August 22, 1981.

96. *The Times of India*, August 23, 1981.

97. *Ibid.*

98. *Ibid.*

of the various trouble spots in the world. It called upon democratic opinion in this and neighbouring countries to rule out war.⁹⁹

The 'Naya Kashmir' and autonomy resolution stated that the National Conference had pledged itself to further strengthen the ranks of the people to keep the struggle on against enemies of secularism, democracy and socialism.¹⁰⁰

True to his commitment Dr. Farooq Abdullah brought Mirza Afzal Beg back to the National Conference. Beg Saheb dissolved his party, Inqilab-i-National Conference and decided to rejoin National Conference at a specially called news conference at his residence by the end of September, 1981. He expressed his faith in the leadership of Sheikh Mohammad Abdullah and Dr. Farooq and said,

"At this critical juncture the people of Kashmir should stand solidly behind the Chief Minister and his party."¹⁰¹

On the diplomatic move of Dr. Farooq Abdullah, President of the National Conference, about the likely merger of his party with the Congress (I), the political circles in Srinagar were very much intrigued. The Times of India wrote,

"These circles point out that if Dr. Farooq has been quoted correctly, then the merger move would have far-reaching implications, in the political life of the State."¹⁰²

However, this neither could happen nor was ever meant to happen.

The stresses and strains on the relations between the Congress (I) and the National Conference leadership, however,

99. *Ibid.*

100. *Ibid.*

101. *Ibid.*, September 28, 1981.

102. *Ibid.*, October 8, 1981.

continued unabated. Each side tried to show the other down. The law and order situation was not in any way satisfactory. The outbursts in Poonch, Bhadarwah, Jammu, Ladakh, Srinagar, Anantnag, Sopore and other places continued. Sometimes it was the demand of District headquarter at Shopian and Kishtwar and at times demand of equal share by Jammu and Ladakh people... no peace and tranquillity which as Catlin puts is necessary for economic progress. The outbursts by the Peoples League, Peoples Conference, Jamat-i-Islami and the Jamat-i-Tulba was believed to be the result of the Congress (I) provocation by the National Conference leadership. The Congress (I) leadership deemed it to be the failure of the government in solving the socio-economic problems of the people of the State. The Sheikh and his government tried to overcome the difficulties. At the same time the strains with the Centre continued. In particular some types of confrontations marked the ending 1981 and the beginning 1982, as the deep rooted strains, which might determine the course of present and future politics of the State.

The first controversy, or confrontation ensued on the recommendations of the State Government for the appointment of Justice Bahauddin as permanent Chief Justice for the J & K High Court. The Govt. of Jammu and Kashmir considered its recommendations as binding on the Centre, even if the Chief Justice of India had not approved it.¹⁰³ In asserting its stand on the issue, the government would be guided by principles and the personalities involved in the controversy, the State Law Minister Mr. M. K. Tiku said.¹⁰⁴ He also said that he would soon write to the Union Law Minister, Mr. P. Shiv Shankar explaining the State government's stand on the issue in the light of the observations made by Mr. Justice Chandrachud in his letter of December 7, 1980 to the Union Law

103. *Ibid.*, November 7, 1981.

104. *Ibid.*

Minister. While the State Law Minister asserted that the recommendations were binding, he believed that the Chief Justice tended to bring the integrity of the judge under cloud and referred to the provisions of State Constitution which laid down that State government could recommend the appointment of the Chief Justice of the State after consultation with the Chief Justice of India and the State Governor.¹⁰⁵ The controversy is still unresolved.

The Centre-State controversy over the years disrupted economic progress. Many a time it was rumoured that Centre intends to reduce the financial aid to the State. Consequently, Government of India issued a White Paper showing that the State of Jammu and Kashmir having received the highest financial aid as compared to other States. Work on the Rs. 250 Crores Dhal Rasti Project in Jammu and Kashmir was brought to an abrupt end on the Centre's orders on 10th November, 1981, following a Centre-State dispute on sharing of power to be generated from it.¹⁰⁶ Later the controversy was resolved after discussions with the Energy Ministry, Government of India. Many other similar occasions arose when the financial relations between the Centre and the State were questioned.

Earlier at many occasions, Sheikh Saheb had asserted that the interests of the people and their rights were to be defended at any cost. Earlier elections, he remarked, were just pleasantaries for some people. At other occasions he confessed earlier elections to prove that his party was popular organization. Consequently, no Centre-State amity could develop. By December 1981, the Sheikh while musing and denying earlier elections predicted his victory in any forthcoming elections. He remarked that Jamat-i-Islami and the Awami Action Committee, in the event of future elections, will not contest. With regard to Peoples Conference he conceded one seat. Later

105. *Ibid.*

106. *Ibid.*, November 12, 1981.

Sheikh Saheb, along with his team of experts visited Delhi and discussed financial matters with the Planning Commission and the Central leadership. At the end of the discussions Mrs. Indira Gandhi assured the Chief Minister publicly that financial assistance from the Centre shall be forthcoming and liberal.¹⁰⁷

However, none of the advances either by the Centre or by the State leadership brought any substantial change in their respective attitudes towards political, legal or financial relations. Consequently, the controversies deepen and continue to harass both the parties... though the public opinion in the State is unaffected, yet the national press sides the Centre and the State press usually the local politics. A great many things are happening in the State. There is a deliberate hounding out of I.A.S. and I.P.S. officers of the Kashmir cadre who do not actually hail from the State. Attempts are also being made to exclude from the State Central laws that have proved beneficial to its people.¹⁰⁸ But the issue that has fouled the atmosphere the most, in recent months, is the Bill passed by the State Assembly to allow the return to Jammu and Kashmir of the State subjects who migrated to Pakistan 35 years ago.¹⁰⁹

The Sheikh has played politics by choosing to aggravate the already controversial relations by throwing tantrums against the Governor's understandable reluctance to give his assent to a Bill which cannot but be a source of great mischief. He said in a speech at Hazratbal shrine that the critics of the Bill are the "Hindu communalists of north India, who want to upset the present communal configuration of Kashmiri population, presumably with a view to reducing the Muslim majority into a minority."¹¹⁰

107. The Aftab, Daily, December 5, 8, 11 & 18, 1981.

108. Inder Malhotra in the *Times of India*, June 3, 1982.

109. *Ibid.*, June 3, 1982.

110. *Ibid.*

The Sheikh and the National Conference have been advocating the cause of the Bill and vehemently it is defended. The Sheikh before Kuldip Nayer defended the Bill in the following manner :

"Let me explain the contents of the Bill before you. It deals with those of the State subjects, who in March 1947, in harassment left the State for Pakistan or who owing to misunderstanding could not return to the State. Now, under certain conditions they are entitled to return... one of the conditions necessary to its completion is the grant of a visa from Government of India. Under Delhi Agreement of 1952 we are obliged to fulfil it. These evacuees do not belong to the Pakistan occupied Kashmir but simply reside in Pakistan. Non-Muslims need have no apprehensions, as they are not going to be uprooted. The land and the houses which have presently given to these non-Muslims are already their property. In my opinion few people would return to Kashmir from Pakistan. In the post-partition period only 117 people have returned to Kashmir..... However, in accordance with law, they continue to be the citizens of Kashmir. After fulfilling some conditions they can return to their homes." ¹¹¹

The apprehensions of the Centre with regard to this Bill, however, have been dealt with by Inder Malhotra in the following style :

"The profoundly disturbing political and psychological fall out of the Bill is already in evidence. But a bigger disaster is bound to follow if the Bill is allowed to become law. For under it, not only will countless Pakistanis be able to come and settle in Kashmir (or elsewhere in India) but a floodgate will have been opened for Pakistani spies, saboteurs, disruptors and trouble makers to operate

111. *The Aftab, Daily*, Srinagar, May 9, 1982.

with impunity in the country's most sensitive State."¹¹²

Thus the resettlement Bill unexpectedly became a controversial legal issue, which has further strained relations between the Centre State of Jammu & Kashmir. The Governor of the State has not consented the Bill so far. The Congress (I) does not want the Bill to see it in operation. The Sheikh has already, in the event of rejection of the Bill, declared to resubmit it to the legislature so that it is deemed to have been passed even if the Governor does not assent to it.¹¹³

To sum up the controversies and disagreements between the Central leadership and State leadership, it is better to refer to the arguments provided by Inder Malhotra. He says,

"He has, for instance, called into question Kashmir's accession to India when it has suited him and declared it to be a settled fact at other times. He has gone so far as to equate, in relation to Kashmir, India and Pakistan, no less outrageously, he has sought to equate also India's democratically elected Prime Minister, having a resounding popular mandate, and Pakistan's military dictator. He has sullied his shining secular record by some times encouraging such communal and fundamentalist elements as Jamat-i-Islami and its more militant Student Wing, Jamat-i-Tulba pondering to their besest instincts by comparing the Moradabad riots in 1980 to Jallanwallan Bagh. He cannot escape his share of responsibility for last year's ghostly incident in which income tax officers of the Union Government trying to catch tax evaders in Srinagar were brutally assaulted while the Kashmir police stood idly by and looked other way. And so on.

In fairness, it must be added that the strife between the Chief Minister of so sensitive a State as Kashmir and

112. Inder Malhotra in *The Times of India*, June 3, 1982.

113. *The Aftab*, May 15, 1982.

New Delhi, has not always been one way affair. If the Sheikh has often behaved in a wholly unacceptable manner and severely tested the Centre's patience, he too has been offered some provocation by the Congress (I). On one famous occasion, during a whirlwind tour of Jammu and Kashmir Mrs. Gandhi not only attacked the Sheikh vehemently but allowed herself to declare that without the Centre's tolerance and help his government could not last even for half an hour.

This only confirmed that Sheikh Abdullah's paranoid belief that the Centre was out to topple his Ministry and this feeling was inevitably reinforced by the wild claims of the State Congress (I) leaders, mostly youngmen in a hurry, that their own ascension to power was only a matter of week's, if not days.¹¹⁴

Whether the conflict between the Centre and the State leadership is a consequence of an ideological cleavage or that of personal ego or that of unpredictable behaviour or opportunism, the fact remains that the Sheikh has a charisma by virtue of which the National Conference in government or out of power has dominated politics every time of its history, in particular since its assumption of power in 1975. The Sheikh is the National Conference and the vice versa—the consequence being that his National Conference is a Sheikh made for realizing his ends and the ends he is supposed to cherish. His internments since 1953 onwards do subscribe to the view that he was neither opportunist nor power thirsty—he has something to part with from the people. Assuredly, he has a capacity to dominate politics—he has done it so far, in particular since his assumption of power. He has by and large, reduced the chances for any national political party to be in the run in the State—localism gets credence.

114. Inder Malhotra, in *The Times of India*, June 3, 1982.

CHAPTER IV

Issues and Pursuits

Of the political developments in the State since 1947, the major events which were dominated by the National Conference and its leadership were :

- (i) the prolonged Satyagraha in Jammu in late 1952 and early 1953,
- (ii) the dismissal of Sheikh Mohammad in August 1953,
- (iii) the split in the National Conference in 1957,
- (iv) founding of the Plebiscite Front in 1956,
- (v) the developments following the State-wide agitation in 1964 after the loss of a sacred relic from the Hazratbal shrine in Srinagar, and the release of Shiekh Abdullah.
- (vi) Sheikh-Indira Accord in 1974.

The Satyagraha was launched by the Praja Parishad in Jammu and was directed against the Sheikh and its party—they levelled the following charges :

- (i) Abdullah had tried to Muslimise the State in the name of secularism.
- (ii) There had been totalitarianism in the name of democracy.
- (iii) Civil liberties had been attacked by the ruling party.
- (iv) Steps had been taken towards the creation of independent Kashmir.
- (v) Delhi Agreement was a betrayal.

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- (vi) It was leading to a victory of the Communists.¹

This agitation in Jammu, was one of the reasons for the fall of the Sheikh in 1953. Instead of solving the relations between the State and the Centre the arrest aggravated the situation which so far remains unresolved. Within a month of the withdrawal of the agitation in Jammu, "the National Conference was forced to take note of some of his dangerous ideals and formulations and forced his exit from the Conference and the Cabinet."² The next political development in the State in 1956 was the rift in the National Conference led by Bakhshi Ghulam Mohammad and the formation of the Democratic National Conference in 1957. The rift was caused on account of the omissions of G.L. Dogra, C.M. Sadiq, D.P. Dhar and Mir Qasim as Ministers in the Council of Ministers after the elections of 1957. However, when they were offered the ministership later, the new party decided to merge itself again into the National Conference in 1960. This National Conference, however, did not determine the course of politics in the State. It was rather the Plebiscite Front, which both at the domestic level in the State and at the international level played an important role. It determined the course of its politics and dominated the scene.

Bakhshi's removal from the administration under Kamraj Plan, resulted into the election of Shamasuddin as the State Prime Minister. Writes Sisir Gupta,

"But there were many who regarded the election of Shamasuddin as a device to keep the major political opponents of the Premier out of government." Gupta further elaborates :

1. Sisir Gupta, *Kashmir : A Study in India-Pakistan Relations*, Asia Publishing House, New Delhi, 1966-67, pp. 377-78.
2. *Ibid.*, p. 382.

"The stability that Bakshi Ghulam Mohammad achieved was also not based on any great amount of popular sanction behind his methods of administering the State. There were stories of nepotism and corruption at the highest levels, of serious procedural lapses, of high-handedness and disregard for the established Codes of Conduct in public life. The resulting public resentment against the State authorities found expression in many ways and dissident members of the National Conference themselves continued to focus attention in these aspects of the regime of Bakhshi Ghulam Mohammad. However, it was not until an unfortunate incident occurred in the State in December 1963, that the magnitude of the unpopularity of the State government became evident."³

The agitation in response to the theft of the sacred relic, resulted in the fall of Shamasuddin ministry and the election of Mr. G.M. Sadiq as the new Prime Minister of the State. The agitation had also raised the slogan of the release of the Sheikh. Anti-India and anti-State government slogans and pro-Sheikh slogans had convinced Government of India and Government of Kashmir to re-think about the lion in the cage. Consequently, one of the actions taken by the government of Sadiq in the early weeks of its existence was to withdraw the case against Sheikh Mohammad Abdullah. Sisir Gupta commenting on Sheikh Abdullah,

"Indian opinion had always regarded it as unfortunate that a colleague in the National movement and a great political leader like Sheikh Abdullah should have to be detained in prison in free India and a sense of guilt oppressed many that he had not been given the freedom to function in the State, even though he had differed fundamentally with the position of his colleagues in the National Conference and his own position in the early years of freedom."⁴

3. *Ibid.*, p. 389.

4. *Ibid.*, p. 391.

Sadiq in power, Sheikh in the political arena of the State and the Centre, his visit to Pakistan and Nehru's death and 1965 Indo-Pak war were the events which proved beyond doubt that the Sheikh and his Plebiscite was a source of irritation to Government of India and their vassals in the State. The Sheikh's re-arrest did not in any way prove that he had no following or the charisma he had either inherited or acquired. The rise of Mrs. Gandhi after the death of Prime Minister Shastri at the end of Tashkent agreement and her rise to, Churchillian victory in 1971 conflict with Pakistan, no doubt, did not lessen the importance of the Sheikh. However, at this stage of political arena, the Sheikh stood on a weaker position, if not at the domestic front but at the international level. Consequently, there was a dialogue between Mrs. Indira Gandhi and the Sheikh resulting into the 'Accord', an attempt at determining the State-Centre relations. Mrs. Indira Gandhi, being adamant that "the clock cannot be put back and we have to take note of the relations of the situation."⁵

The determination of State's relations with the Centre, was the first concern of the Sheikh, and his party. The Sheikh in finalizing the 'Accord', was motivated by the desire of maintaining the nationalist outlook and at the same time demarking the line where he stood. In the Kashmir nationalism he foresaw :

"Nationalism in Kashmir, however, sprang from its incredible poverty, squalor, misery and under-nourishment which are the lot of the exploited masses. Nationalism in Kashmir is no more middle class enthusiasm. It has no glamorous about it. It is firmly based on the bed rock of stark economic realities, and the urge for political freedom. The idea of nationalism in Kashmir

5. Mrs. Indira Gandhi's letter to Sheikh Saheb, February 12, 1975, Kashmir Special Status, All J & K. National Conference, Vishnath Press, Srinagar.

cannot be comprehended unless it is viewed against the political and economic programme put forward in "New Kashmir", which presents the broad contours of a democratic State based upon radical economic programme. Its expression of the long felt desire to bring together various sections of the oppressed people in the State on the basis of their common economic sufferings. It is an embodiment of the attempt to mobilize their common will to put an end to these sufferings."⁶

Accordingly, the Sheikh thought of providing the people a democratic government with a radical economic programme as envisaged by the National Conference in 1944. He believed that the people of Kashmir were denied the political freedoms. The accord according to him was reiteration of faith in the Centre and to perpetuate the mutual faith he took over power on 25th February, 1975.

Once the issue of Centre-State relations was settled the National Conference had other issues to confront. It laid down,

"As long as there exist the problems of poverty, hunger, physical and spiritual imbalance, and consequential to them, poor and backward classes and their men, women and children remain under tension—Till then the human beings and their welfare will simply be a mirage."⁷

Before they could devote their energy to their commitment of economic planning, they immediately after assumption of power faced a political problem—Congress majority in the legislature with a cabinet of minority nature. Probably, the Pradesh Congress acted on the advice of Machiavelli,

6. K.K. Misra, *Kashmir & India's Foreign Policy*, Chugh, Allahabad, 1979, p. 45.

7. National Conference, *Maqasid Aur Kamyabian*, (Urdu), Information Dept. of the National Conf. Sgr. 1976, p. 2.

"To rely wholly on the lion is unwise; and for this reason a prudent Prince neither can nor ought to keep his word when to keep it is hurtful to him and the causes which led him to pledge it are removed."⁸

Possibly this was true of the Sheikh and the Pradesh Congress. The latter thought of sharing power with the National Conference, which had been denied to them. Consequently, the Pradesh Congress withdrew their support to the Sheikh ministry in February 1977—the result was fresh elections in June, 1977 as the Sheikh recommended the dissolution of the House to the Governor who exercised his powers according to wishes of the Chief Minister.

During two years of power, before elections of 1977, the National Conference and its leadership tried to devote itself to the cause of economic development. In the outset it pointed out the following questions :—

- (i) How to eradicate corruption or corrupt practices both in and outside the administration ?
- (ii) How to provide to the State clean and effective administration ?
- (iii) How to renew and reorganize the programmes for the economic welfare and promotion of the living standards ?
- (iv) How to achieve self-sufficiency and economic progress based on social justice, within a short period ?
- (v) How to speed up the works of economic reconstructions ?
- (vi) How to restore peaceful atmosphere in the educational institutions and how to bring prospects for the future

8. Michael B. Foster, *Masters of Political Thought*, vol. I Oxford University Press, 1975, p. 273.

of unemployed youth?⁹

To streamline these objectives the National Conference government issued the orders with regard to the following :

- (a) The widows and women without support were provided with Centres, which trained them and paid them stipends. A sum of Rs. 60/- were paid to them, half of it was deposited in a cooperative society as a membership. Thus cottage industries were to be encouraged.
- (b) The work on Nallah Mar Project in Srinagar was speeded and water supply was made available.
- (c) In Jammu on Tawi and in Srinagar on the Jhelum, bridges were constructed.
- (d) In cities, sanitation, new constructions were cared for—many graduates were paid Rs. 120/- as a stipend.

Many other schemes were introduced. Electricity was provided to rural areas and its supply was made certain. Consequently the following expenditures during the years 1976-77 were provided :—

Items	Sums in Crores
1. Agriculture	Rs. 8.91
2. Cooperative	Rs. 0.80
3. Irrigation and Power	Rs. 36.25
4. Industry and Minerology	Rs. 5.14
5. Communication	Rs. 9.17
6. Social Services (Education and Health)	Rs. 13.62
7. Backward Areas (Ladakh)	Rs. 4.35
8. Miscellaneous	Rs. 1.00

Further, the government undertook the task of electrifying 2068 villages and the construction of Ravi Canal was taken in the hands. The Canal was estimated to irrigate nearly

9. National Conference, Maqqasid and Kamyabian (Urdu), Mujahid Manzil, Srinagar, 1976, pp. 12-13.

10,65,600 Kanals of land. A master plan was prepared for both the cities of Srinagar and Jammu. The scheme of group insurance, capital investment, improvement in horticulture, increase in revenue tax on land, tax on irrigation purposes, sales tax and property tax were introduced with a view of using the amount of tax on social welfare scheme.¹⁰

Whatever little the National Conference, in economic field, could accomplish during the two years of unpredictable Congress majority in legislature, it did not bring any dividends for it. The reason being that schemes of economic nature do not bring immediate results. However, with the change in Centre, the situation in the State also brought in new dimensions in politics. Morarji was not in a mood to rigg elections in the State as the earlier governments had done. The National Conference was conscious, at the same time to face the challenge and as we have discussed it fought with diplomacy and statesman like. They won the elections and had a stable majority to form the government.

Elections, as it is required, needed same commitment from the National Conference leadership. This commitment was manifest in the Manifesto of the National Conference, which was published on May 23, 1977. It provided for the people, the problems or issues and the pursuits or promises made by the National Conference. Let us examine its broader features :—

The Manifesto opens with the assertion

"My (Sheikh Abdullah) goal is to free my mother country from the slavery. Let us rise above the petty communal contradictions and unite to fight for freedom and share the responsibility to uphold the welfare of the people. I request my Hindu brethren to shun off the harrasment and fear and not to be vatiated by doubts.

10. *Ibid.*, pp. 13-19.

We assure them that in case they cooperate with Muslims, we shall protect their rights as we shall protect ours."¹¹

Commenting on the Naya Kashmir and its implementation the manifesto reads,

"The 'Naya Kashmir' and its contents are as relevant today as they were in 1944, when it was adopted. The National Conference desires to make the Naya Kashmir operative in its essence. Towards this and we have prepared a plan. Its basis is democracy—and it is to function from its grass-root Panchayat to the national Assembly. There shall be independence of judiciary and administration shall be responsible to it. In the field of economic life, we accept the principle of planned economy because it is the spirit behind economic freedom. We shall act on it and thereby raise the economic standards of the people. According to New Kashmir we shall have to go to character building of both men and women—as they have been rendered frustrated, owing to long span of slavery. We shall have to produce such men who shall contribute to our historical and cultural heritage and who shall preserve our past and the pride that is Kashmir."¹²

While reminding the "past commitments made by the National Conference, the manifesto says that the intention of reminding them is not to create misunderstanding but emphasis the relevance of these commitments to the forthcoming elections. It asserts that the Kashmiri is placed in a new situation especially at a time when Congress had lost its thirty years old rule. According to it, after the independence the National Conference had interpreted the Centre-State

11. *National Conference Ka Intikhabi Manshoor*, (Urdu), General Secretary, All J & K National Conference, New Kashmir Press, Srinagar, 1977.

12. *Ibid.*, p. 3.

relations within the lines of those limitations which had given to the Centre only three subjects—namely, Defence, Foreign Affairs and the Communications. Consequently the special status of the State had been established in accordance with the provisions of the Article 370 of the Indian Constitution. To further define it the Delhi Agreement had been instituted.¹³

However, the manifesto continues to assess the relationship by labelling the social enemies who did not only challenge the Article 370, but also tried to get it abrogated. The manifesto asserts that the National Conference and its leadership defended the article until under a conspiracy the Sheikh government was dismissed in 1953. Later, the Sheikh and his party had to undergo trials and tortures for a long time, reaffirms the manifesto.¹⁴ The manifesto further elaborates how during the time of Mrs. Gandhi, forces of reconciliation decided to come to some beneficial understanding which culminated into the "Accord". The manifesto elaborates the cause which obstructed the election of new legislative Assembly. It says the moment new Assembly could be elected, emergency was proclaimed and the Congress leadership conveyed their inability to hold election on the ground of crisis in India.¹⁵

The manifesto reminds the people to note that the National Conference as a great political party had abolished hereditary monarchy in the State, Jagirdari system and above all the sums that the villagers owed to 'Sahukars' or government institutions. It claimed the establishment of the Constituent Assembly after independence. It said that it was the National Conference which had initiated the position that people are the source of power and planned economy is the solution for all economic ills. Consequently, it asserts that it is the National Conference, which has enough of evidence to prove

13. *Ibid.*, p. 5.

14. *Ibid.*, pp. 6-7.

15. *Ibid.*, pp. 9-10.

that it had solved many problems and settled many issues and above all fulfilled all its promises from time to time.¹⁶

The National Conference, in its manifesto, affirms that it stood for moral values and these were verifiable in its theory and practice in politics. Even now, it asserts, the party believes in peace and democratic values. It has cherished, the same peace in domestic and international affairs and in dealing with problems facing the world. It has a faith that the National Conference alone is enduring to convert the State into a welfare state. It proclaims that in the event of victory in elections it will reorganise society and bring to its citizens the honour and respect, which according to them was lost because of ill policies of their predecessor governments.¹⁷

The manifesto, in addition to what has been examined in earlier pages, provides a list of promises. However, earlier it has been discussed that two issues which became convincing arguments for elections were the internal autonomy by defending Article 370 of the Indian Constitution and the restoration of honour and respect for the people of the State, Kashmiris in particular. There are twenty four promises made in the manifesto which are examined in the pages ahead.

The unemployment is one of the issues that confronts every government, everywhere in the context of modern States. There are hardly any governments who are in a position to settle it. Consequently, the manifesto recognizes, the urgency of this problem and promises to settle it with the declaration "Every able-bodied shall have the opportunity to employment."¹⁸ To foster this opportunity the National Conference proclaims to act on planned economy so that opportunities are created to settle the issue. It believes that planned economy

16. *Ibid.*, p. 10.

17. *Ibid.*, p. 12.

18. *Ibid.*, p. 12.

shall endeavour to provide employment to all educated and uneducated youth, At the same time it promises to create equal opportunities for both men and women, without any caste, creed or colour.¹⁹

The National Conference promises to provide National Security Plan, so that old age pensions and pensions for invalids and ill-bodied persons is assured. It desired to operate planned schemes in far-flung areas of the State and link them with other parts of the State through communication and transport facilities. Interested in health welfare of the people, it promises to make planned schemes by virtue of which peoples health is cared and looked after.²⁰

The manifesto, proclaimed that schemes shall be taken in hand for the supply of water and these schemes shall be completed in a short time. Public health department shall foster these schemes and examine their practicability. In social life it envisaged the abolition of system of dowry and other social evils. It affirmed that the everybody's personal law shall be protected. Promising the progress of every State language, it assured of helping and assisting the languages for their promotion.²¹ Within two years after the assumption of power, the National Conference promised to electrify all the areas in the State. For economic progress, it envisaged irrigation schemes to operate so that self-sufficiency in food could be ascertained. Under planned schemes, it promised to open new industries and cottage industries so that cooperative and responsible sentiment is encouraged.²²

The orchardist economy is fast growing in the State, during the last two decades. It is felt that the apple fetches enough revenue to the State and according to Manzoor Fazili, "in the

19. *Ibid.*

20. *Ibid.*

21. *Ibid.*, p. 13.

22. *Ibid.*

recent years some sort of commercial and orchardist capitalism has grown."²³ Accordingly, it visualizes a special attention to this industry—the National Conference consequently promised a special attention to it. It also proclaimed improvement in tourism as it is well known that Kashmir from times immemorial has attracted tourists from all over the world.²⁴

The manifesto further visualized improvement in transportation. It desired the transport to provide better dividends to both sectors whether public or private. Further with the improvement in transport department it visualized change in the pay scales of employees so that service class could enjoy better living standards both in service and after pension. Allowances, were promised to be paid to the service class according to rates of Central Government and their housing problems were to be solved.²⁵

The National Conference assumed the responsibility, in the manifesto, of assessment in the debts of tenants and small traders. It promised the appointment of State subjects to all posts whether gazetted or non-gazetted. The child and youth care in health and education—further planning for their recreation and the operation of these schemes is affirmed. The eradication of corruption and promise of clean administration was claimed. It asserted to enforce all the relevant articles of the Constitution which could ensure a socialist society. It emphasized the role of the public sector and visualised to create a sense of cooperation in economic and industrial fields.²⁶

23. Manzoor Fazili, *Kashmir Government and Politics*, Gulshan Publishers, Srinagar, 1982, p. 125.

24. National Conference Ka Intikhab Manshoor, General Secretary National Conference, New Kashmir Press, 1977.

25. *Ibid.*, p. 14.

26. *Ibid.*, pp. 15-16.

The National Conference further envisaged the restoration of Fundamental rights for the people of the State. It promised to provide the freedom of thought, associations, and the freedom of conscience in its actual spirit according to them these were to be operative—promising thereby that no law shall be passed which will hinder their implementation. The manifesto says that all such Fundamental Rights shall be operative in the State which were already provided in the Constitution of India for the people of Kashmir.²⁷ However, it may be recalled here that the special "Constitutional provisions pertaining to the State of Jammu and Kashmir, envisage a partial application of the Constitution of India to the State."²⁸ The operation of the provisions regarding fundamental rights enumerated in the Constitution of India were extended to the State by the Constitution (Application to J & K) Order, of 1954. When the Constitution of the State was promulgated in 1957, provisions were also included in it, stipulating and confirming the availability of the fundamental rights provided for, the Constitution of India, to the people of the State. However, it was alleged by the National Conference that these rights were provided for the people only in name and hence they promised their adherence to them.²⁹

One of the important and significant promises that the National Conference committed to the people was the agrarian reforms. The agrarian reforms in Kashmir has had a very special history in the State. Let me examine the issue in brief and show, how, the Sheikh and his National Conference, first in 1950 and later in 1978, were the vanguard for these

27. *Ibid.*

28. K.M. Teng, *Kashmir's Special Status*, Oriental, Delhi, 1975, p. 82.

29. *National Conference Ka Intikhab Manshoor*, Gen. Secretary, National Conference, New Kashmir Press, 1977, p. 15.

reforms—this organization alone has a credit to provide a legislation whereby land has actually been transferred to tillers. First major and revolutionary land reform measure was introduced in 1950 by promulgating the Jammu and Kashmir Big Landed Estates Abolition Act (Act No. XVI of 2007). According to this Act ceiling on land was fixed at 182 Kanals uniformly for all soils, tracts, irrigated or unirrigated, single cropped or double-cropped and expropriated the land owners of their lands in excess of this limit without any compensation.³⁰ This Act deprived the owners of their ownership of 45 lakhs of acres of land out of which 2.3 lakh acres were given to the tenants thereof in ownership free of cost.

The Big Landed Estates Abolition Act, it may be admitted, caused injustice to and dissatisfaction among the landlords holding land exceeding the ceiling limit. In order to specify the grievances of such landlords, the government appointed "Wazir Committee" headed by the Chief Justice of J & K in 1953 and a Land Commission in 1963. In the year 1972 the Jammu and Kashmir Agrarian Reforms Act was enacted to provide for comprehensive legislation relation to land reforms in the State and to bring about a radical transformation in the existing pattern of land ownership. Justice Mufti while commenting upon this Act held :

"The objects of the land reforms contemplated by the new Act mainly appear to be : (a) to abolish the system of absentee landlordism including the allied forms of intermediaries ; (b) to make the tiller of the owner ; (c) to set a ceiling on landholdings.³¹

This Act instead of introducing reforms in agricultural estates, gave rise to unnecessary litigation, created chaos and confusion and caused hardships to both landlords as well as tenants

30. *The J & K Agrarian Reforms Act 1976*, Hakim Imtiyaz Hussain Shaheen Press, Srinagar, 1976.

31. *Ibid.*, p. 2.

and the main reason behind it was its bad drafting. While Justice Mufti was presiding, the full-bench judgement of the Jammu and Kashmir High Court observed.

"The new Act is not well drafted and this appears to me to be one of the main reasons which has made its underlying scheme obscure and rendered it difficult for most of the people to comprehend its scope and content. I apprehend that the imperfections in drafting might even lead to unavoidable and unnecessary litigation."³²

In order to remove these defects and to review it with a view to provide for more equitable distribution and better utilization of land suited to the circumstances of the State so as to subserve the common good, this Act was kept in suspension from 25th March, 1975 by the Jammu and Kashmir Agrarian Reforms (suspension operation) Act, 1975 (Act III of 1975) and a Special Committee was appointed to look into the matter and scrutinize the Act thoroughly. The present Act is based on the report of this Committee.³³ Suspension operation of the Act was promulgated by the National Conference immediately after a month of the assumption of their power in February 1975. When the Act was amended and properly drafted it was again passed and operated under the National Conference Government. Most of it has been in operation, since its adoption. Consequently the credit of the Agrarian Act 1976 also goes to the National Conference and its leadership rather than those who had visualized it earlier. The salient features of the Act are given as under as to understand tremendous cause which was operationalized by the National Conference government in accordance with their commitment.

The Act—

- (1) Abolishes absentee landlordism.

32. *Ibid.*, pp. 2-3.

33. *Ibid.*, p. 3.

- (2) Imposes ceiling on agricultural land and orchards.
- (3) Makes provisions for the selection of land, if the land exceeds ceiling area.
- (4) Makes provision for resumption.
- (5) Provides adequate compensation to the aggrieved parties.
- (6) Allows cultivation of land through servant or hired labour in genuine cases.
- (7) Recognizes the private agreements between landlord and tenants of rent and amounts and also apportionment of land.
- (8) Prohibits the creation of new tenancy except in certain cases.
- (9) Protects the rights and interests of evacuee.
- (10) Prohibits alienation of land by way of sale, gift, mortgage with possession, bequest and exchange.
- (11) Makes provisions for the attachment by the collector of the orchard or a plantation of trees on State land or land reserved for grazing purposes.
- (12) Creates new administrative machinery for the implementation of the provisions of the Act.³⁴

In accordance with the promises made by the National Conference in the manifesto before election the government of the Sheikh implemented and enforced the Act and many of the landless people received land. By and large the problems with regard to possession of land were solved. There may still be need to reform the agricultural holdings but the credit goes to the National Conference both between 1947-53 and in the post 1975 that it had capacity to settle its problems and induct the agrarian reforms. It is both way a radical change. The General Secretary of the National Conference in the epilogue³⁵ of his pamphlet wrote,

34. *Ibid.*, p. 6.

35. *Sher-i-Kashmir Ki Do Sala Hakumat Ke Numayan Ki Khatam*. New Kashmir Press, Srinagar.

"When Sheikh Saheb resigned the office of Chief Ministership on 27th March, 1977, the changes in social, economic and political areas had yet to be accomplished. His able and charismatic leadership stands as lighthouse for the progress and reconstruction of the State. Relevance of the achievements of his government for a short period stands distinct with regard to changes in social, economic and political life of the people of the State. He has established that he is in a position to guarantee a hopeful future."³⁶

Whatever the magnitude of issues and pursuits, the fact remains that the National Conference since its assumption of power after Accord, had to face some acute problems of varied dimensions. The first, the Congress withdrawal of support in the legislature which is discussed in an earlier chapter. After some more problems like slogan of regional imbalances by the people of Ladakh and Jammu, Though the regional imbalance claim is as old as the freedom struggle in Kashmir, yet its revival was to tease the Sheikh and his government. As early as 1931, the then Maharaja of Kashmir Hari Singh appointed a Commission headed by B. J. Clancy on 12th February 1931 to study the issue.³⁷ Another Commission under the chairmanship of P. G. Gajendragadkar was appointed in the post-independence era as late as 1967. It probed a little deeper into the problem—yet in 1978 the same slogan created a grave situation in Poonch. The agitation was launched over the selection of teachers and some other employees, by the Recruitment Board of the area. The slogans, speeches of leaders, schemes and strategies the hallmark of the agitation pointed clearly to an organised campaign against what they called the

36. *Ibid.*, p. 15.

37. *S. J. Qadri The Sikh Commission and Regional Imbalance in J & K*, Printograph, Kerol Bagh, New Delhi, p. 1.

rule of Kashmiri Muslims.³⁸ Destruction to public property, precious human lives were lost and finally the grievances were redressed. The All Party Jammu Committee which sympathised with the Poonch agitators, were finally defeated but the Sheikh government also had to give in. In comparison of the losses, none was the gainer. The agitation was foiled after an appointment of a Commission under Justice S. M. Sikri, a retired judge of the Supreme Court of India. Mr. Sikri was assisted by Dr. Malcolm S. Adiseshiat, a member of the Rajya Sabha and Dr. A.R. Kidwai.³⁹

The Sikri Commission, in addition to other recommendation, said,

"The Commission has found no imbalance apart from imbalance in individual items (vide Para 5.4.1) at the level of the regions or the district administrative units within the regions to lead it to recommend "Constitutional measures" as referred to in its terms of reference.

The Commission has found imbalance in financial expenditure and in development programmes at the regional level in the IV Plan period and early years of the V Plan which are now corrected, and serious imbalance in some of the district administrative units within each region. To meet these problems the Commission proposes the creation of a State Development Board composed of the Chief Minister as chairman, and such members of the legislature as the J & K Legislature may nominate in accordance with its procedure."⁴⁰

38. G.R. Mattoo and G.M. Shora, *Regional Imbalance—Reality or Myth*, New Kashmir Press, Srinagar.

39. *Report of the J & K Commission of Enquiry*, Government Press, Srinagar 1980, p. 4.

40. *Ibid.*, p. 244.

Thus the agitation in Jammu could not bring anything for either the Jammu people or could it bring any credit to the government. It, however, had a catharsis for the psychological problem of Jammu and Ladkash people. Just as Gajendragadkar Commission appeased the Kashmiri Pandits in 1967, so did Sikri Commission in 1979. This, however, nodoubt created a gulf between different regions of the State. Whether Jammu or Ladakhi people or Kashmiri Pandits in the Valley, raising the bogey of imbalances and discriminations, the fact remained that it created, in addition to sentimental cleavage, problems of law and order for the Sheikh government at the same time.

Immediately after the Accord, the Congress (I) and the Sheikh could not go together. Consequential upon the power struggle, the Congress withdrew the support and the Sheikh had to face it. Had the rift remained within the walls of the legislature, the National Conference had nothing to worry about but it was brought to the streets. The Sheikh had to recommend the dissolution of the Legislative Assembly. P.N. Bazaz, in his book, and through his letters to the Governor of the State and the Minister for Home Affairs, Government of India, emphasised the position that there was absence of law and order, in the State. According to him, there persisted hooliganism and terror because the Governor was partisan and the Advisor was disappointed.⁴¹

After elections, when the National Conference assumed power, the Sheikh, "ignoring Ghulam Mohammad Shah his son-in-law and making Mirza Afzal Beg Deputy Chief Minister, he made latter as Defecto head of the government during his illness and absense. Handling everything while the Sheikh recuperated gave Beg ideas and swollen head. Worried Sheikh soon discovered that Beg was getting too big for his

41. P.N. Bazaz, *Democracy Through Intimidation and Terror*, Heritage, Delhi, 1978, pp. 71 and 95.

boots and promptly gave him the boot."⁴² under strains and stresses the Sheikh had to remove a companion of his once for all. Though the ouster of Mr. Beg did not create a severe law and order problem yet in Islamabad (Beg's home town), the National Conference had to face many problems. Even on Beg Sahib's burial day, the police had to maintain order, as Dr. Farooq was not permitted to pay him tribute. At the same time, the Inqilabi National Conference also created problems of law and order for the government for some time.

During the regime of National Conference, the government faced an unprecedented law and order situation immediately after the execution of Mr. Z.A. Bhutto, the ex-Prime Minister of Pakistan. The workers of the Jamat-i-Islami and Ahmadyas were victims of hooliganism, arson and looting. Severe criticism was levelled against the failure of law and order machinery. The government was discredited and claimed to be ineffective.

In March 1980, the Road Transport Corporation employees struck their work. The government had a counter offensive by employing the private services and defeating the employees of the Road Transport Corporation, the government returned successful in suppressing the striking workers. Later students of various colleges and university agitated on the plea of a publication of a book "Islam: Its Culture and Monuments", in which a pen picture of Prophet Muhammad (Be peace to his soul) was drawn. The government had to quell it.⁴³ The hike in bus fare further aggravated the situation and students again initiated agitation. The Sheikh's car was gheroaded and students were lathi-charged. Students were also arrested and then released but the law and order situation, by and large, did not improve to the satisfaction of economic improvements.

42. *Asian News Magazine*, New Delhi, April 13-16, 1981.

43. *The Aftab*, Daily, Srinagar, April 14, 1980.

Earlier the Sheikh government had to foil another attempt of agitation mood by public in Srinagar when subsidy on food was abolished. The Sheikh government, however, was committed to it and it did not budge an inch on this score. He had claimed that it touches the very ego of the Kashmiris and stakes his honour.

The Sheikh's speech at Martyr's Day created an uproar in the Indian press. Earlier Home Minister, Giani Zail Singh and Mrs. Gandhi had been critical of Sheikh Abdullah. The Sheikh on Martyr's Day, 13th July, 1980 had strong counter offensive against the Central leadership and said, "the people have firm faith and confidence in the National Conference even now and for this reason they do not care for anybody be it General Zia or Mrs. Gandhi."⁴⁴ This again aggravated the relations between the Centre and the State leadership. Thus old animosities between the Sheikh and the Congress (I) which started surfacing in December 1979, are the main cause of his outburst at Shaeed Mazar (the burial ground of Martyrs) in Srinagar.⁴⁵

The law and order situation thus was rendered a matter of shuttle cock. For some months it was calm and for some months it troubled the government very much. The National Conference labelled the Congress (I) for disturbing the peace and vice versa. The Congress (I) labelled the National Conference having colluded with the Jamiat-i-Islami and Jamiat-i-Tulba including Jana Sangh to further their designs against the Congress (I). In between occurred the accident between an Auto-riksha and a military truck. It snowballed into a major clash between the army and the civilian at Amirakadal, resulting into arson and looting. The agitated civilian, shouting Pro-Pakistan slogans and anti-India slogans were protesting

44. Sheikh Abdullah (Speech) July 13, 1980. J & K National Conference, New Kashmir Press, 1980.

45. *Times of India*, July 17, 1980.

against the burning of at least a dozen taxis and Tempoes besides damaging a number of buses by troops in sporadic clashes with civil transporters."⁴⁶ It was "the Sheikh's courage to speak to the people at Lal Chowk and controlling the passions of the people" which saved the situation. "However, such trifling accidents lead to political estrangement and re-open among the populace the question of accession."⁴⁷

Further, agitation in Shopian and Kishtwar for grant of District status, agitations in Ladakh and Jammu for imbalances from time to time, for opening colleges at various places, Kashmir University fire in 1981 and by the students and installation of police permanently in the University — all posed law and order situation in the State. The fire which gutted the Legislative Assembly and severe threats of unemployed youth agitating at various district headquarters also posed a threat to law and order machinery.

The wounds of July 26, 1980 were still fresh when the press reported the communal tension in Moradabad. The Kashmiri would react sharper than the days following Z. A. Bhutto, but for the Sheikh and his government. The Moradabad riots were initially purely Muslims of the area versus the police but they were interpreted killings of Muslims by Hindus, which was not true.⁴⁸ However, the State government was vigilant and tight security measures were arranged. Even twice police had to open fire in the interior city of Srinagar. Some deaths occurred and Kapil, an M.L.A., who was on "Peace Mission" in the area was injured—he stood by the side of the Deputy Commissioner and other officers of the law.

46. *The Indian Express*, July 28, 1980.

47. Manzoor Fazili, *Kashmir Govt. and Politics*, Ghosia Srinagar, Suman Printing Press, New Delhi, 1982, p. 10.

48. *The Indian Express*, August 22, 1980, Fear of Srinagar by Dom Moreas.

order machinery.⁴⁹ The Sheikh and his government averted the situation, by whatever means" in snowballing into a widespread agitation or revolution.

The promises or pursuits of the National Conference reveal that the leadership tried to implement what it had promised in earnest but failed in many and touched success in few. It was successful in abolishing the subsidy on food in Srinagar and Jammu. It suppressed the unfair means and lawlessness in educational institutions and restored confidence amongst college, university and school teachers. It streamlined the administration through single line administration—trying to remove the imbalances amongst areas at District and Tehsil levels. The operation and enforcement of the J & K Agrarian Reforms Act is commendable as it changes the agricultural semi-feudal system into most modern system in which the tiller is superior to everybody, in the villages. The Sheikh's government partially nationalized transport. According to the programme some routes like the National Highway (Srinagar to Jammu) have already been nationalized—the forests have already been closed for public.

The failures of the government are also well known. The Sheikh and his government as well as party failed in determining the relations between the State and the Centre though the Sheikh-Indira Accord tried to delimit it. Consequently, the crisis between the Centre and the State have been persisting since the National Conference assumed power. Further the government failed to absolve the hegemony of the bureaucracy in the administration. Though the Vigilance Commission's office was given a wide rope in cracking down on the civil servants instead of giving a lesson to people at all levels. Many civil servants have been victims. Education is a useless trade—there is anarchy in all levels. It is in anarchy at all levels. The price level

has been virtually rising since the National Conference assumed power. Though it does not remain within the control of State government, yet the changes the fraud at local levels is an evil that could be prevented by the State government. Further, the grave problem remains neglected—the unemployment of educated youth. This problem is aggravated on account of nepotism and favouritism.

Thus the years of the National Conference government from 1975 to 1981, remain chequered on account of its achievements and failures. The public opinion since 1975 was subjected to hopes and illusions. It is difficult for the National Conference to claim that the period was absolutely successful in its political and economic issues and pursuits. Politics is determined by the results it contrives. Let us examine the politics played by the National Conference since 1975 upto 1981 in the next chapter in the light of its commitments.

CHAPTER V

Political Sequel

The National Conference and the politics of Jammu and Kashmir since 1974-75, was mostly vitiated by the Centre-State relations. Though the Accord had to settle the same issue, yet in its interpretations and the political behaviour of the National Conference leadership both the Central and State leadership were drifting from each other. However, when Sheikh Abdullah was ailing in June 1982, considerable significance was attached to the meeting of the Prime Minister Mrs. Indira Gandhi, who called on the Chief Minister twice in three days of visit to the Valley. It was believed that Mrs. Gandhi's three-day visit, which was billed as a rest and relaxation visit, had acted as a tonic for the restoration of familiar and other ties between the Sheikh and the Prime Minister on the one hand and the State and the Centre on the other.¹ Future alone can determine the sequel to the politics of Mrs. Indira Gandhi's visit to the Valley and in particular to the Sheikh.

As has been examined earlier, since the assumption of the power, the National Conference and its leadership determined the course of politics in the State. True that the State-Centre relationship had severe repercussions during the time of Mrs. Indira Gandhi than during the Janta Rule. The difference might be in the variance of the stature of Janata and Congress leadership. The political analyst might attribute the differences to the awkward behaviour of the Congress (I), who in 1977, withdrew its support to the Sheikh Ministry. Assuredly, this withdrawal of support must have been taken by the Sheikh as an event of betrayal and contrary to the spirit of "Accord".

1. *The Times of India*, June 27, 1982.

The National Conference leadership thinks that the Congress (I) as opposition has not behaved properly as to warrant smooth sailing of politics. According to them,

'For the Sheikh and his National Conference, revived in 1975 as a result of the Indira-Sheikh accord, and today rigidly controlled by his ambitious and ruthless son-in-law G.M. Shah, who is also Minister for Works and Power, the after taste of victory, was not without a tinge of pettiness. "The opposition", he says, a "little defensively", have no sense of direction. They have't a chance of coming to power. They think that by purchasing members, they can create trouble, that they can provide an alibi for the Centre to dismiss the government. The future of stability here depends on the attitude of Congress (I) in the Centre: if they support these goings-on, naturally relations between us cannot be smooth.'²

Just as the National Conference is apprehensive of the Congress (I) attitude and behaviour, so were made by Mrs. Indira Gandhi oblique noises against the Sheikh over the years after the assumption of power. She sometimes talked against and deplored the National Conference's alleged involvement in encouraging communal parties like the Jamat-i-Islami and the Jana Sangh and some times his involvement in the maladministration of the state. Inder Malhotra wrote,

In fairness, it must be added that the strife between the Chief Minister of so sensitive a state as Kashmir and New Delhi has not always been a one-way affair. If the Sheikh has often behaved in a wholly unacceptable manner and severally tested the Centre's patience he too has been offered some provocation by the Congress (I). On one famous occasion, during a whirlwind tour of Jammu and Kashmir, Mrs. Gandhi not only attacked the Sheikh vehemently but allowed herself to declare that without

2. *India Today*, November 1-15, 1980.

the Centre's tolerance and help, his government could not last even for half an hour.'³

This politics of State-Centre relations proves beyond doubt that the Sheikh and his National Conference is determined to play a game for the retention of power. How long this organisation would be able to retain its power is for the future to determine but the fact is that the charisma of the Sheikh still continues. The Sheikh has been able to retain it many a time so far and is likely to continue. The Sheikh may leave power in due course of time on account of his health and age but not losing his charisma. Future leadership of the National Conference may use his charisma even after Sheikh's withdrawal from politics.

What happened in the elections of 1977, may happen in future elections in the State. The Sheikh has turned to be shrewd politicians and his son who is already President of his organization, may have learnt many things of politics like Mrs. Indira Gandhi from her father before assumption of power. Elections in 1977, were won by the National Conference on three scores. Firstly, it declared to preserve the internal autonomy, and secondly it emphasised to bring back the lost honour and prestige for the nation. Consequent upon the promise of opening Rawalpindi-Srinagar Road, the public opinion in the Valley and in Muslim areas of Jammu were swayed in favour of the National Conference. Future elections, whenever to be held, envisage the pre-determined slogans like the debate on the appointment of the Chief Justice of J & K Highcourt and still more significant Resettlement Bill. Still further, the personality of the Sheikh, the star campaigner of the ruling party, is ultimately going to sway the electorate in the Valley and the Muslim areas of the Jammu province.⁴

3. *The Times of India*, Inder Malhotra, June 3, 1982.

4. *The Indian Express*, December 27, 1979.

Thus, even in election politics, the National Conference dominates and possibly shall dominate in future.

The politics of State-Centre relations, usually takes the form of complete merger or full integration and as against it full autonomy on the part of Kashmir leadership. Praja Parishad and mostly, non-Muslim population from Jammu have been demanding full integration of the State with India—the position with regard to the National Conference politics has emphasised the preservation of Article 370 or internal autonomy. Even Bakhshi Ghulam Mohammad, late Prime Minister of Jammu and Kashmir, once remarked that Article 370 be abrogated on his dead body. Writes Manzoor Fazili,

“Leadership usually endows its actions with legitimacy and the Sheikh tried to justify the action as the Prime Minister uptill 1953. On the 7th August 1953, he said that if the accession was dissolved, the responsibility would be wholly of the Communalists who by demanding a complete merger with India, had shaken the foundations of Indo-Kashmir relations.”⁵

The process of integration by Government of India continues, the slogan by the Jammu people still persists and the resistance to the complete merger of Jammu and Kashmir with India also holds out. This politics, naturally dominates, at least at the domestic level by the National Conference—The National Conference continues to attract the Indian press and leadership to focus on the personality of the Sheikh and its organization. The raids on big businessmen by the Central Income Tax authorities was provoking for the Sheikh and his followers. The Sheikh challenged the authority of the Central taxation officers to raid the business class of Srinagar on the plea of Article 370. Later eleven business magnates challenged the

5. Manzoor Fazili, *Kashmir Government and Politics*, Gulshan, Srinagar, 1982, p. 120.

authority of the Central Taxation in the Highcourt of Jammu & K. and the officers of the taxation filed writs against the businessmen in the Supreme Court. In all the writs the Taxation laws were challenged.⁶ The politics of Central laws and the State laws are also now fought between Delhi and Srinagar. Where will this politics lead to is for the future to determine but the fact remains that the National Conference intends to fight at every level, whether Centre-State relations, merger, law, commerce, business and any other aspects of State life.

This politics of the National Conference, dominating as it is, leaves its impact on all walks of life. It has an impact on business, trade, jobs, agriculture, forest, education and associations, groups and communities of very sort. For example even in Jammu where the National Conference may feel uneasy can create problems as wrote Indian Express :

“The disaffection between the Ruling National Conference and the Congress (I) in J & K, which recently turned into public criticism of each other at the political level, has resulted in the division of the State-Central Labour Union.

While one group led by Mr. Madan Sharma, SCLU Secretary owes allegiance to the State Congress (I) the other group led by Mr. Ram Lal, President is pro-National Conference.

The Congress (I) led group which claims support of a majority of the 36 industrial units and continues dharna and hunger strike at the Jammu Silk Factory and Miran Saheb Rosin Factory even after wages committee announced the grant of bonus and raise in salary for the workers of the J & K Industries Ltd., has expelled Mr. Ram Lal from the Union.

6. *The Aftab*, Daily, Srinagar, September 29, 1981.

The group had at its meeting on May 15, 1980 called to review the token strike in various units of JKI in Jammu, found at least that Mr. Ram Lal had forfeited the genuine demands of the thousands of workers."⁷

The politics of today demands that the welfare of the people is prior to all other issues whether domestic or international. There is hardly any government which, in modern times, would not in their commitment have economic programmes. The National Conference is committed to socialist economy, which the Sheikh and National Conference leadership, reiterated from time to time. The Sheikh said,

"We reiterate that the government shall raise the standards (economic) of the people and we are committed to it. We are taking steps towards this end and we assure the people that our struggle was not aimed at the capture of power but the welfare of the people."⁸

The governments policies with regard to the economic progress were, in their nature aiming at the increase of the standards of the people, since the National Conference assumed office in 1975. The booklet issued by the State Information Department explains in detail the economic changes that took place during the years 1975-79. It claimed that while there is increase of 446 per cent in plan expenditure in the Sixth Plan as compared to earlier Plan, the plan in its second phase has had to expend 1.18, million Crores.⁹

The National Conference might dominate politics at all levels but it is not immuned from factionalism and discords. Factionalism within its own party and discords with other parties and in particular Congress (I) are discernible from

7. *The Indian Express*, May 20, 1980.

8. *The Aftab*, Daily, Srinagar, November 8, 1977.

9. Kaula-Fail, State Information Department, Govt. Press, Srinagar, 1979 December, p. 7.

time to time. The National Conference and the Sheikh had to face factionalism within the party. Thus Late Mirza Afzal Beg had to resign and go to find a party known as Inqilabi National Conference. Further on the same factionalism Mr. Mohiuddin Malik, Speaker of the Legislative Assembly, had to loose speakership as he had sided Beg in the power struggle of the party. The Sheikh alleged that Beg used Speaker for defections in the legislature. The Sheikh charged Mirza Beg that the latter had used Malik, the Speaker as, "a tool" to bring defections in the party during the elections to the State Legislative Council.¹⁰ The controversy between the ruling National Conference and the Congress (I) in Jammu and Kashmir apparently reached fever-heat with intensification of the campaign against each other by the parties from time to time.¹¹

The Chief Minister, Sheikh Mohammad Abdullah, adheres to the Kashmir Accord of 1975, seems to feel that the State Congress (I) campaigns against him and his National Conference is aimed at creating a situation so that the 1953 drama was repeated. At different public utterances Sheikh Abdullah expressed deep chogrin over the working of the State Congress (I) in relation to the State's ruling party. At Kangan he once said that an attempt was being made to create a sense of uncertainty in Jammu and Kashmir so as to give interested elements a handle to grab power.¹²

The Chief Minister was also piqued by the allegation made by the Union Home Minister Mr. Zail Singh in Jammu that the National Conference had reached a secret understanding with communal forces like B.J.P. The Sheikh forcibly refuted

10. *The Indian Express*, Sept. 28, 1978.

11. *Ibid.*, July 14, 1980.

12. *Ibid.*

the allegation that time and offered to resign if the charge was substantiated. In case it was not, he wanted Mr. Zail Singh to resign.¹³

Though other opposition parties in J & K like the Awami Action Committee, the Peoples Conference, the Congress, the Janata Party and sometimes Inqilabi National Conference and other organizations have been critical of the Sheikh and his government, the Kashmir leader seems to get incensed when the State Congress (I) talks in a critical manner or tone. It is really surprising that though there is an ideological affinity between the National Conference and the State Congress (I) yet two parties from time to time opposed each other.¹⁴ A political analyst wonders at the ups and downs that usually erupts the relations of a couple wedded together.

During the Janata Rule at the Centre, the State Congress (I) functioned on a low profile. Since January, 1980, however, when the Congress (I) was voted to power at the Centre, it assumed a highly critical attitude towards Sheikh Abdullah and his government. And since the Congress is in power at the Centre, the National Conference had and even now has misgivings about the aim of the campaign launched by the State unit of the party. And by openly challenging the Congress (I), the Sheikh according to observers wanted among other things to restore confidence among his associates, National Conference workers and the people. The State Congress (I) leaders have been repeatedly saying that the aim of their criticism of the government was to voice peoples' grievances and not to topple the Sheikh government. The Congress Chief, Mufti Mohammad Syeed, and his colleagues describe Sheikh Abdullah's fears as an attempt to divert peoples attention from the real issues.¹⁵

13. *Ibid.*

14. *Ibid.*

15. *The Indian Express*, R.K. Kak, July 14, 1980.

The factors that contributed to have influenced Sheikh Abdullah from time to time to retaliate forcefully are,

- (i) he wants to retain his mass base and keep his government anchored in the contended hearts of the people;
- (ii) he did not like to give an impression of getting cowed down by the Congress (I) campaign. Instead he gave them the impression that he could hit back with greater vigour.

On the other hand the State Congress (I) leaders' pronouncements, their criticism of Sheikh Abdullah and his government was mainly aimed at strengthening their party base in J & K. According to them by highlighting the problems of the people and by raising issues like soaring prices, alleged political interference in the administration and corruption the party would gain mass support. Evidently they had an eye on the next Assembly elections whenever they are held in the State. However, for the Congress (I) this mass support is not forthcoming.

During the years of Sheikh's power the Congress (I) has not been able to dislodge him so far. Even according to Congress (I) sources the Centre is not interested in dislodging the Sheikh government. It is believed that early elections will enable the Sheikh to use the situation in the same way as he did in 1977, when the Congress withdrew its support to him in the Assembly. This had necessitated imposition of Governor's rule in the State which was followed by fresh elections which gave the National Conference an overwhelming majority in the 76 member State Assembly. Besides, it is argued that any attempt to dislodge the Sheikh before the present Assembly runs its full term may create complications.¹⁶

This kind of Sheikh's political potency compelled the

16. *Ibid.*

Congress (I) to make alliance on the eve of elections to the Parliament in January 1979 with the National Conference. The Sheikh, except the seat of Devi Dass Thakur in Udhampur swept elections and secured success to his candidates.

This was predicted by the Indian Express in the following words :

"But when all is said and done, the personality of Sheikh Abdullah, the star campaigner of the ruling party, is ultimately going to sway the electorate in the valley (two constituencies) in favour of National Conference candidates. The failure of the opposition to put up common candidates has also strengthened the hands of the National Conference. In the valley, the main opposition to the ruling party seems to come from urban areas. But the rural voters, who constitute 75% of the total electorate, are, by and large, favourably disposed towards the Sheikh who has been instrumental in introducing Agrarian Reforms of a far-reaching character."^{16a}

The National Conference and in particular the Sheikh understands well the sentiment of the people. He looks to the passion of the people and not to the law and order in the State, which is partly the concern of the Congress (I). The Congress (I), as was alleged by the National Conference from time to time tried to grab the power by disturbing the law and order position in the State. The National Conference at the same time was able to maintain the law and order problems with stern hands. Whether, communal type of disturbance, or the disturbance created by Jamiat-i-Tulba or by any other party like Peoples League or Students strike on 'hike in prices, or restive college and university Campus, the National Conference government controlled the situation whenever the exigencies demanded. The J & K Chief Minister, Sheikh Mohammad Abdullah, who after his meeting with

16-a. *The Indian Express*, December 27, 1979.

the Prime Minister of India in July 1980, talking to the workers of the National Conference in the Mujahid Manzil said,

"as a border State there was greater need for maintaining law and order and stability in J & K. A congenial atmosphere is also needed for the execution and promotion of development works. During the last few years much progress had been made in the State's economic conditions. But vested interests particularly the State Congress (I) wanted to disturb the law and order situation and dreamt of toppling the present government in the State. You must remain united and defeat the machinations of these elements in order to promote democratic values. The government is determined to quell all attempts to threaten law and order—we shall not be swayed by it."¹⁷

The opposition leaders and parties, from time to time, charged the National Conference and its leadership of committing to communalism. Dr. Karan Singh, and M.P., ex-Central Minister from Jammu, accused the ruling National Conference of indulging in "vicious communal propaganda." In a press release in May 1980, from the palace, he stressed that the development of Doda district could be speed up only when it was made accessible for tourist traffic, if Bhadarwah-Chamba Road and Kishtwar-Cinthan Road were completed. He said that the state government was deliberately dragging its heels and not taking up the Bhadarwah-Chamba Road in right earnest. However, when the Congress (I) leaders, and the national press accused the National Conference for allowing communalism in the State to flourish and permitting 'Islamic Meet' to hold conferences in Srinagar the National Conference government decided to ban it. The Sheikh at this juncture said before the prominent citizens that his government had made the suggestion to the local hosts of the Conference, Jamiat-i-Islami, to postpone it and when it was not agreed

17. *The Sunday Standard*, July 27, 1980.

the government did not permit it to hold the Conference.¹⁸ The Sheikh, further, from time to time reiterated that he was committed to secularism. He said that "disunity on the basis of language, religion, creed or caste was bound to jeopardise our freedom."¹⁹

Since the assumption of power by the National Conference it played a politics of law. For example, immediately after some time the legislature had to pass Public Safety Act, followed by J & K Ordinance to deal with communalism. Later Anti-defection Bill was passed followed by Resettlement Bill of great controversy—the controversy still persists. The Public Safety Act was passed by the Sheikh government after the style of Preventive Detention Act. Though the bill was not appreciated by the opposition yet it did not become controversial. When L.K. Jha, then Governor of the State promulgated an Ordinance, known as the Criminal Law (amendment) Ordinance to "effectively check" communal incidents and provide for "deterrent punishment to anti-social element",²⁰ it was vehemently criticized. Under this Ordinance, amendments have been made in the State Penal Code, known as the Ranbir Code. Altogether, 12 sections of the Code have been amended. Though the ordinance was not criticized by the opposition on the grounds of checking the communal tendencies, but mostly on the position of the press under the law was heavily attacked. The scope of section 153-A which provides for dealing with offences like promoting enmity between different groups on grounds of religion, race, place of birth, language and the like, has been widened to "cover such offences committed through the press media."²¹

18. *The Indian Express*, August 1, 1980.

19. *Ibid.*, September 8, 1980.

20. *Ibid.*, August 24, 1980.

21. *Ibid.*,

Anti-defection Bill was also passed in September 1980 and the Sheikh's party tried to persuade the Speaker to expel the erring M.L.A. Mian Bashir, in accordance with the provisions of the Bill, which he did not act upon. Consequently, the Speaker was removed. Mr. Balraj Puri, socialist leader, filed a writ petition in J & K High Court, challenging the constitutional validity of the Act. The petition filed through his Counsel maintained that the impugned law violates the provisions of the Constitution of India regarding Fundamental Rights and the tenure of legislators. The law disqualifies a member if he resigns from the party on the ticket on which he was elected or if he disobeys the whip of the party. This according to the petition, abridges the fundamental rights of the petitioner, with regard to forming associations and persuading any legislator to join his party. The petition also prayed that conditions of disqualification of members and the tenure fixed for him could not be altered without a constitutional amendment.²² Later, the case was brought to the notice of the Supreme Court of India and Mian Bashir was permitted to stay in the House till judgement could be delivered and so far it has not been accorded.

Lately, Resettlement Bill, pending with the Governor of the State has become a matter of controversy. Wrote Inder Malhotra in the Times of India,

"But the issues that has fouled the atmosphere the most is the Bill passed by the State Assembly to allow the return to J & K of the "State subjects" who migrated to Pakistan 35 years ago and have since become Pakistani Nationals."²³

Enough of debate has ensued since the bill was passed. The Sheikh and the National Conference is adamant to get it through and the Governor and Central Government reluctant to see it enforced. One is constrained to believe that the

22. *Ibid.*, January 15, 1980.

23. *The Times of India*, June 3, 1982.

bill will have the same fate as that of the appointment of Chief Justice which at time had become controversial. The fate means "sleep over"—when and if required talk about it. However, the fact remains that the Sheikh by these legal controversies, has placed the National Conference at the grass roots. Consequently, he (Sheikh) and his party seems confident to come back to power in any future competition.

The Sheikh thereby the National Conference has achieved a political dimension, whereby any utterance by him or by them receives a sharp reaction from the opposition parties, Central leadership and the national press. Inder Malhotra comments on one of his utterances in the following words :

"He has sullied his shining secular record by same times encouraging such communal and fundamentalist elements as Jamiat-i-Islami and its more militant student wing, Jamiat-i-Tulba, pondering to the besest instincts by comparing the Moradabad riots in 1980 to Jallianwalla Bagh."²⁴

Though it is well known that it was the Sheikh who did not permit "Islamic Youth Meet" to take place yet the misunderstanding continues. Further it was he who got the J & K Ordinance issued which could curb the communalism. It was the Sheikh who saved the situation in July 1980, when an accident between the army personnel and civilian took place for which the Indian Express editorially commented :

"Mob violence has its own momentum, but the extent and nature of the Srinagar rioting cannot be dismissed as a spontaneous outburst in the heat of the moment."²⁵

Yet on another occasion the Sheikh's remarks were carried too far. Before a public meeting to pay tribute to the Martyrs' of July 13, 1931, he remarked,

24. *The Times of India*, June 3, 1982.

25. *The Indian Express*, July 29, 1980.

"No one would be allowed to enslave us again and interfere in our affairs, whether it was India or Pakistan. If any attempt was made to play with our fate, it would lead to disastrous consequences. We should guard our homeland and hard-earned freedom."²⁶

later Sheikh Abdullah himself rebutted the criticism by saying that removal of one sentence from the context is no justice to his speech.

On the assumption of power by the National Conference it had initiated a drive against corruption, nepotism, favouritism and the like. In the beginning it was successful also. However, in due course of time, the position got back on its wheels. While the opposition leaders echoed the sentiment against the relegation of the administration to corruption, the Sheikh said on July 1, 1980, that the government had launched a crusade against corruption in the State. He however admitted that the evil was so deep-rooted that it would take some time for the government to eradicate it.²⁷ The Chief Minister said the people of the State would never allow such elements (Congress-I) to succeed. These elements ruled the State for 20 years according to him and had subjected the people to untold misery and ruined the economy. The people according to him were now aware of their mis-rule and the manner in which corruption had been allowed to creep into every walk of public life.²⁸ The Sheikh, many times, warned the people of the State against the machinations of certain political opportunists and adventurers, who were out to subvert in the State. He considered these elements to be power hungry elements wanting to barter away the interests of the people for petty gains.²⁹

26. *Ibid.*, July 14, 1980.

27. *The Times of India*, July 2, 1980.

28. *Ibid.*

The Congress (I) some times considered itself waging war against the National Conference on and vice-versa. The National Conference on the one hand considered the Congress interested in toppling its government and it was wooing it at other time. For instance Mufti Syeed, Pradesh Congress President said his party was waging an ideological war with the ruling National Conference. He further added that the Congress (I) would continue to work as a healthy opposition party in the State and expose the failures of the ruling party on all fronts.³⁰ The National Conference at times was harsh in attacking Congress (I) but sometimes tried to woo it. The Staff Correspondent wrote in Times :

"Sheikh Abdullah's ruling National Conference, has started wooing the State unit of the Congress (I) which it had hitherto ignored, and sent out feelers for inducing some of its members into the Cabinet. The offer of representation to the Congress (I) in the State Cabinet was reportedly made by Dr. Farooq Abdullah, Chief Minister's son and recently elected M.P. from Srinagar during talks with party leaders in New Delhi. The Congress (I) are cool to the idea."³¹

Neither the Congress (I) nor the National Conference is or ever have been interested in sharing power. Had they been they could have shared it in 1975, when the Sheikh assumed power with the Congress support.

The National Conference during the regime tried to convert the State to an industrialized zone which at the same time would not endanger its beauty. The J & K Chief Minister, Sheikh Abdullah, urged the Centre to allow multi-nationals and monopoly houses to make investment in his State.

29. *The Indian Express*, July 3, 1980.

30. *Ibid.*, July 16, 1980.

31. *The Times of India*, January, 17, 1980.

He said his State had been getting very little investment, whether in the public or the private sector. Of the rupees, 15,000 Crore investment in the public sector throughout the country, his State's share was not more than Rs. 5 Crores. He said proposals from multi-nationals or firms which come under the Monopolies Act had come from for investment in the State, "As both these are frowned upon, we have considerable difficulties in getting industrial licences." The Chief Minister further said that public sector alone could not fill the gap because it lacked resources. He asked if they could not ease up the restrictions on such firms, at least when they are investing in the backward areas neglected by other investors.³² However, it is worth note that none including National Conference government could change the industrial position in the State so far. The Dal-Hasti Project also for some time, became a controversial problem between the Centre and the State. Later it was resolved.

On economic front the National Conference government has not been success. The rich has become richer and the poor poorer. The reasons to which it was ascribed by the opposition was investment in non-productive schemes. The National Conference leaders from time to time refuted this propaganda of the Congress (I) and the People Conference leadership. The General Secretary of the National Conference once characterized as "unfounded and fantastic" the statements of some opposition leaders that the present government in the State had no clear cut economic development policy and that the ruling party interfered in the working of the single-line administration at various levels. He said it was clear that for achieving a balanced regional development in the State, the government soon after its assumption of power introduced planning at district and block levels with a view to decentralize the planning process. He added that for the purpose representative development bodies at the district levels had been appointed.³³

32. *The Sunday Standard*, August 31, 1980.

33. *The Indian Express*, May 9, 1980.

Whatever the promises in the Manifesto made by the National Conference, the party in August 1981 adopted a resolution demanding the establishment of a National Economic Commission to carry out an integrated examination of the various aspects of planned economy and the price structure. The resolution highlighted the State's achievements in various fields. It was pointed out that the State would achieve self-sufficiency in food grains in another two years, there had been a 145 percent increase in the installed power capacity and more villages had been provided potable water during the last six years. The resolution, however, pointed out that the country was facing grave problems, including those of inflation and falling industrial production. In view of this there was need for checking the price spiral, full utilization of existing capacities, evolving a comprehensive wages and income policy and providing employment avenues for educated and rural youth.³⁴

In its financial relations, the National Conference with the Centre, had a conflict over the allocation of funds over the years. The party alleged a partial treatment by the Central Government with regard to financial relations. Consequently upon this allegation, the Government of India issued a statement explaining the position of the financial relations. According to the statement in first five year plan, Kashmir received rupees thirty whereas the other States received Rupees twenty four per capita financial assistance. Increasing the financial aid in the fifth plan per capita assistance has gone up to one thousand and thirty rupees as against Rs. 102/- only for other States in India. In the Sixth Five Year Plan, the State of J & K got in the way of assistance a sum of Rupees two thousand and fifty per capita, whereas other States received Rupees two hundred and fifty eight only. Consequential upon this liberal assistance to the State, there has been an increase

34. *The Times of India*, August 23, 1981.

of twenty four per cent in per capita incomes, the statement asserted.³⁵

Financial relations apart, the National Conference at the domestic level also faced problems like the State-Centre relations which were in no way of a minor dimension. The politics of districts, apart from many we have discussed earlier, which took one time a serious turn. The genesis of the problem was the decision of the State government to carve out three new district from the existing ones in the Valley in 1979 and some in Jammu and Ladakh. It was officially announced that the district headquarters which had been selected after due deliberation, would be located at Shopian, Budgam and Kupwara. The Revenue Minister visited Shopian on May 8, 1979, and prepared a plan for the new district headquarters. He also made arrangements for acquiring land for the purpose. To the surprise of the people the headquarter was shifted from Shopian to Pulwama, the reason being that it was more centrally located and therefore more easily accessible from all points in the new district.³⁶ This politics of delimitation of new districts occupied the National Conference for about two years. It did not only create problems for the government but also made people to react sharply towards the sentiment of districts. Kishtwar followed the agitation of Shopian—Bandipur, Sopore and people from other places clamoured for a district. Later is politics died its own death.

The Sheikh is not only capacitated to dominate the domestic politics, he has acquired the position to talk on the international politics as well. The Chief Minister Sheikh Abdullah in April 1980 at Poonch said that situation in Afghanistan continued to be tense and the clouds of war loomed large over the sub-continent. However, endorsing the stand taken by

35. *The Aftab*, July 4, 1981.

36. *The Times of India*, May 26, 1981.

the Prime Minister, he said her efforts needed to be supported in the interests of peace. He also confessed that Poonch had suffered due to successive wars in the past, which had affected its economy. The State government, according to him, was making efforts to put the economy of the region on a sound footing.³⁷ At the same time he visualized and expressed in 1981 his fear that super powers may use India and neighbouring countries as the "battle ground" for a third World War.³⁸ He has always been of the opinion that India and Pakistan should live in peace as good neighbours and his slogan has been "Indo-Pak" amity—the flag of Plebiscite Front also indicate it. He once talking about such an amity said,

"Fresh war between India and Pakistan could not help in solving the issue of "Pakistan occupied areas of Kashmir" and was bound to the result in the destruction of both these countries. Constitutionally and legally, Pakistan occupied areas of Kashmir belonged to the J & K State which is now an integral part of the Indian Union and we do not disown those areas. The ultimate solution lies in breaking mental barriers between the two countries."³⁹

In a bid to counter the contention of the President of Pakistan that the northern territories of Gilgit, Skardu and Hunza were integral part of Pakistan, the National Conference government issued a White Paper in May, 1982. Explaining the White Paper the Chief Minister told newsmen that the statement of facts was an effort to set the record straight and place the facts before the world, which clearly showed that these areas were constituent parts of the State of Jammu and Kashmir and that Pakistan's claim to these areas lacked substance. It was contended that along with the British, the

37. *Ibid.*, April 19, 1980.

38. *The Indian Express*, August 27, 1981.

39. *The Statesman*, October 16, 1981.

Kashmir "darbar" had exercised full administrative control over these areas and there was not an iota of doubt it, as evidenced by facts, records and history. That the State of Jammu and Kashmir exercised sovereignty and suzerainty over these areas was also vouchsafed and evidenced by documents and correspondence with the British government and various Treaties, as also facts and de-jure administrative control of the State over these areas.⁴⁰

The Chief Minister asserted that the authentic documents and official records of the pre-1947 period available in the State archives proved the claim of Pakistan as false. Besides, the Chief Minister said, numerous publications by well known and knowledgeable authors supported the fact that these areas were parts of J & K State as it existed on October 31, 1947. The Sheikh said that following Pakistan's claim, questions were being raised about the past history, administrative control and rights of J & K State over the northern areas. In this context he asserted that leaving Zia's claim unchallenged would prove "dangerous". The State government, therefore, thought it proper to put the record straight and place the facts before the world. According to him,

"We have collected the facts so that external affairs ministry is well equipped when it takes up the issue with Islamabad."⁴¹

The statement of facts released by the Sheikh traces the history of the northern areas including Gilgit, which it says, formed an integral part of the territories of Kashmir State from early times.

With regard to the national issues and pursuits the Sheikh and his organization reacts as much in the national interest as in the international affairs. In October, 1981 Sheikh Abdullah

40. *The Times of India*, May 29, 1982.

41. *Ibid.*

said that the fragmented politics of the country does not augur well for its democratic polity. The Sheikh told that the founding fathers of the republic were guided in their deliberations while the Constitution was being framed by certain ideals, and the roles of the four pillars of democracy were well-defined. He said if the value system as defined was eroded, as was happening, the people were in danger of ushering in a totalitarian State. He said, democracy, socialism and secularism were the basic ideals which had guided the peoples' fight against the colonial rulers. He further added, "For smooth functioning of democracy, an anti-defection bill must be passed by parliament without any further delay. This will put a stop to the permissive politics of Aya Ram, Gaya Ram. As it is today we don't know who belong to which political party or ideology. Besides, it amounts to a betrayal of the electorate, who elected such representatives, who unabashedly cross the floor for power and pelf."⁴² He said this tendency among legislators was all the more dangerous because many times and at many places, the ruling parties at the Centre have used money power to buy political power.⁴³

The Chief Minister was very much disillusioned with regard to defection politics. He said that the system of accountability of the legislature to the electorate must be established and well defined. According to him, "It is politically immoral that an entire group crosses the floor and changes its allegiance from one party to another without any remorse just for the reason of remaining in power. Similarly he advocated independent judiciary and condemned the role of the tailor-made bureaucracy. He was distressed to see that the Chief Minister, were foisted on the States, who had no grass-root following. Further the Sheikh was sceptical of the education system in the country which was a legacy of colonial rule, for

42. *The Indian Express*, October 14, 1981.

43. *Ibid.*

which no drastic changes had taken place since 1947. However, the Sheikh was committed to more autonomy to States and according to him the Constitution visualized strong Centre because then the country was facing political instability in the aftermath of the partition. Whereas, he asserted, times have changed and instead of states being allowed more power, even such powers as guaranteed by the Constitution are being curbed.⁴⁴

The National Conference was responsible for the accession of the State of Jammu and Kashmir to India. Consequently, the National Conference and its leadership has time and again stressed that the State's destiny is linked with India. The leadership has asserted that the State could achieve speedier growth only with the cooperation and assistance of the Centre.⁴⁵ Saying that the closer cooperation between the Centre and the State was of "paramount importance" the Sheikh once said the big brother can always help and guide us.⁴⁶ According to the leadership of the National Conference, the State has always desired a closer link with the Centre and it has claimed that Kashmir had always been the citadel of secularism and amity. According to the Sheikh there is a need for strengthening the age old ties of communal amity and brotherhood in the State as the State has provided a unique example of unity and progress. He (Sheikh) once asserted that Kashmir for these reasons is a pride for the entire country.⁴⁷

The visit of Mrs. Indra Gandhi to Srinagar to meet the ailing Chief Minister, Sheikh Abdullah in June 1982, was attached considerable significance, to normalize the personal and State-Centre relations. The two meetings between the leaders were held in an atmosphere of extreme cordiality. It

44. *Ibid.*

45. *The Indian Express*, August 15, 1980.

46. *Ibid.*

47. *Ibid.*

was believed that the Prime Minister broached the issue of Resettlement Bill. In view of the Prime Minister's frankness the Sheikh was unlikely to press for acceptance of the Bill which was waiting the Governor's consent.⁴⁸ The Times of India Correspondent commented,

"This Mrs. Indira Gandhi's four-day visit, which was billed as a rest and relaxation trip, has acted as a tonic for the restoration of familiar and other ties between the Sheikh and the Prime Minister on the one hand and the State and the Centre on the other."⁴⁹

Thus the exordium of the National Conference, the politics of the Plebiscite, the resurrection of the National Conference and its issues and pursuits reveal that the Sheikh and the organization is committed to socialism, secularism and democracy. Further, it is revealed, beyond doubt, that the Sheikh is both the first Indian and the first Kashmiri—in September, 1981, in the State Legislative Assembly he said,

"Nobody should suspect the loyalty of Kashmiris towards India for we have no home other than India, of which we are proud of."⁵⁰

And so has the National Conference determined politics from 1975 to the present.

48. *The Times of India*, June, 27, 1982.

49. *Ibid.*

50. *The Indian Express*, September 16, 1981.

Appendix

THE KASHMIR ACCORD STATEMENT OF SMT. INDIRA GANDHI PRIME MINISTER, IN PARLIAMENT ON JAMMU & KASHMIR ON FEBRUARY 24, 1975

In pursuance of Government's policy to secure the active co-operation and involvement of all democratic, secular and progressive forces in the country it was considered desirable to have a dialogue with Sheikh Mohammad Abdullah. Hon'ble members are aware that Sheikh Abdullah had played a notable part in the freedom struggle and in the accession of the State of Jammu and Kashmir to the Indian Union. He formed and headed the Government of the State for a number of years after independence. Despite the differences which led to the subsequent estrangement it seemed clear from the public statements made by Sheikh Abdullah as well as personal talks with him that his commitment to basic national ideals and objectives had remained unchanged. He reaffirmed that the accession of the State to the Indian Union was final and irrevocable. His main area of concern was about the legal and constitutional changes made after August, 1953.

It was decided that Mirza Afzal Beg, whom Sheikh Abdullah named for the purpose, and Shri G. Parthasarathi, whom I entrusted with the task, should examine these changes in depth and make appropriate recommendations. After extensive discussions they reached agreement on various points which are incorporated in the Agreed Conclusions, a copy of which is placed on the Table of the House. These conclusions formed the subject matter of further discussions at a political level in which Sheikh Abdullah, Syed Mir. Qasim, the Chief

Minister of the State, and Sardar Swaran Singh participated. As a result of these understanding has been reached as disclosed in the letters exchanged between me and Sheikh Abdullah, copies of which are placed on the Table. I shall refer to certain basic features of the understanding.

The Agreed conclusions have been formulated within the framework of the Constitution of India. The constitutional relations between the State of Jammu and Kashmir and the Union will continue as it has been and the extension of further provisions of the Constitution to the State will continue to be governed by the procedure prescribed in Article 370. There will be no weakening of the ties which exist between the Union of India and its constituent units of which the State of Jammu and Kashmir is one. The existing jurisdiction of the Centre to deal with activities directed towards questioning or disrupting the sovereignty and territorial integrity of India, or bringing about cession or secession of any part of the territory of India from the Union, will also continue. It has also been agreed that any amendment of the Constitution of the State on certain specified matters of importance will not become effective unless the assent of the President is obtained. The Agreed Conclusions seek to reassure the State that in case the State Government comes up with any proposal to change any Central law made after 1953 on matters in the Concurrent List, such as social welfare measures, cultural matters, social security, procedural laws and the like, the grant of assent to the Bill will be sympathetically considered.

A proposal was made by Mirza Afzal Beg that the jurisdiction of the Supreme Court in relation to the State should be curtailed. This was not accepted as it is considered important that the Supreme Court should continue to have original and appellate jurisdiction in the matter of writs, appeals and other matters. However, it was agreed by collateral letters (copies of which are placed on the Table) that the provision in Article 132(2) enabling the Supreme Court to grant

special leave on the refusal of a certificate by the High Court need not apply to the State. Action on this will, however, be taken only when the State Government comes up with a proposal in this behalf.

Hon'ble Members will notice that, the question of nomenclature of the Governor and the Chief Minister not be settled. This is a matter which is provided for in the State Constitution which at present used the expressions "Governor" and "Chief Minister". A change in the nomenclature can be made only by the amendment of the State Constitution by the State Legislature. So far as the Chief Minister is concerned, there should be no objection to the adoption of the designation 'Wazir-e-Azam' in the State if the Legislature of the State of Jammu and Kashmir amends the Constitution accordingly. Until this is done, the present designation would continue.

Sheikh Abdullah was very anxious that, to start with, the constitutional relationship between the State and the Centre should be as it was in 1953 when he was in power. It was explained to him that the clock could not be put back in this manner. Mirza Afzal Beg pressed for the transfer of provisions relating to the Fundamental Rights to the State Constitution the removal of the supervision and control of the Election Commission of India over elections to the State Legislature, and the modification of Article 356 to require the State Government's concurrence before imposing President's Rule in the State. It was not found possible to agree to any of these proposals. I must say to the credit of Sheikh Abdullah that despite his strong views on these issues, he was accepted the Agreed Conclusions.

The State Government is in agreement with the understanding reached and the approach in regard to political cooperation with Sheikh Sahib and his followers, as being in the interests of the State and the country.

Hon'ble Members will have seen the statement made by

Mirza Afzal Beg on February 6, 1975 to the effect that in the changed circumstances plebiscite has become irrelevant and that the name and objectives of the Plebiscite Front have to be changed accordingly. We have been informed that the statement was endorsed at the recent meeting of the Executive Committee of the party and that Mirza Afzal Beg has been entrusted with the task of calling a meeting of the General Body of the Front for taking the necessary follow up action in this regard.

As is disclosed in the letters exchanged, Sheikh Abdullah has stated in clear terms that the future of Jammu and Kashmir lies with India and that as one who cherishes the ideals of democracy, secularism and socialism, he has come forward with his co-operation with a view to further strengthen the bond between the State and the Union. We have every confidence that he will make his own distinctive contribution to the task of strengthening the nation and sustaining its ideals.

The settlement that has been reached is an entirely domestic matter. It has been the endeavour of Government to find satisfactory solutions for political problems in a spirit of conciliation. The manner in which differences with Sheikh Abdullah have been resolved shows the utility of the functioning of our democracy. It is my sincere hope that the agreement will open new era of understanding and cooperation with those in the State of Jammu and Kashmir who had not associated themselves with the main stream of national life during the last two decades. It will also amply demonstrate the identity of interests and ideals of the people of the State with those in the rest of India and mark a milestone in the onward march of our nation.

AGREED CONCLUSIONS

1. The State of Jammu and Kashmir, which is a constituent unit of the Union of India, shall in its relations with the Union, continue to be governed by Article 370 of the Constitution of India.

2. The residuary powers of legislation shall remain with the state; however, Parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India from the Union or causing insult to the Indian National Flag; the Indian National Anthem and the Constitution.

3. Where any provision of the Constitution of India had been applied to the State of Jammu and Kashmir with adaptations and modifications, such adaptations and modifications can be altered or repealed by an Order of the President under Article 370, each individual proposal in this behalf being considered on its merits; but provisions of the Constitution of India already applied to the State of Jammu and Kashmir without adaptation or modification are unalterable.

4. With a view to assuring freedom to the State of Jammu and Kashmir to have its own legislation on matters like welfare measures, cultural matters, social security, personal law, and procedural laws, in a manner suited to the special conditions in the State, it is agreed that the State Government can review the laws made by Parliament or extended to the State after 1953 on any matter relating to the Concurrent List and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under Article 254 of the Constitution of India. The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to the laws to be made by Parliament in future under the proviso to Clause 2 of that Article; the State Government shall be consulted regarding the application of any such law to the State and views of the State Government shall receive the fullest consideration.

5. As an arrangement reciprocal to what has been provided Article 368, a suitable modification of that Article as applied to the State should be made by Presidential Order to the effect that no law made by the Legislature of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision of the Constitution of the State of Jammu and Kashmir relating to any of the undermentioned matters shall take effect unless the Bill, having been reserved for the consideration of the President, receives his assent; the matters are:

(a) the appointment, powers, functions, duties, privileges and immunities of the Governor; and

(b) the following matters relating to Election by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage, and composition of the Legislative Council, being matters specified in Section 138, 139, 140 and 50 of the Constitution of the State of Jammu and Kashmir.

6. No agreement was possible on the question of nomenclature of the Governor and Chief Minister and matter is therefore remitted to the Principals.

Mirza Mohammad Afzal Beg, G. Parthasarathi
New Delhi,
Dated Nov 18, 1974

Copy of a letter of Sheikh Mohammad Abdullah to the Prime Minister.

3, Kotla Lane,
New Delhi,
Dated 11-2-75

My dear Prime Minister,

I have seen the text of the conclusions reached between Shri G. Parthasarathi and Mirza Mohammad Afzal Beg on the various constitutional issues concerning the Centre-State

relationship between the State of J & K and the Union of India. I have studied the document and have also had discussions with you. As you are aware, it is my view that the constitutional relationship between the Centre and the State of J & K should be what it was in 1953. Nevertheless, I am happy to say that the Agreed Conclusions provide of good basis of my co-operation at the political level and for Centre-State relationship.

I appreciate that the main purpose of the dialogue was to remove misapprehension on either side to ensure that the bond between the Union and the State is further strengthened and to afford to the people of the State full scope for understanding social welfare and development measures.

The accession of the State of J & K to India is not a matter in issue. It has been my firm belief future of J & K lies with India because of the common ideals that we share. I hope you would appreciate that the sole reason for my agreeing to co-operate at the political and governmental levels is to enable the State Government to initiate for the well-being of the people of the State which I have always considered as my sacred trust. It will be my constant endeavour to ensure that the State of J & K continues to make its contribution to the sovereignty, integrity and progress of the Nation. By the same token, I am sure that the Central government would co-operate with the State Government fully in respect of measures to be undertaken by the State Government to further the progress and welfare of the people of the State as an integral part of India.

The country is passing through a critical period and it is all the more necessary for all of us who cherish the ideals of democracy, secularism and socialism, to strengthen your hands as the leader of the Nation and it is in this spirit that I am offering my whole-hearted co-operation.

Yours sincerely,

Sd/-

(S.M. Abdullah)

Shrimati Indira Gandhi,
Prime Minister of India,
New Delhi.

Copy of the Prime Minister's letter to Sheikh Mohammad Abdullah.

New Delhi,
February 12, 1975.

Dear Sheikh Saheb,

I am happy to receive your letter expressing your concurrence with the conclusions reached between Mirza Mohammad Afzal Beg and Shri G. Parthasarathi, on certain constitutional aspects of the relationship of the Centre with the State of Jammu & Kashmir and offering your wholehearted co-operation at the political and governmental level to further promote the well-being of the people of the State of J & K. I am aware of your views of Centre-State relationship in respect of the State of J & K. I have already explained to you that the clock cannot be put back and we have to take note of the realities of the situation. I am appreciative of the spirit in which you have expressed your agreement with the terms of the Agreed Conclusions.

The Agreed Conclusions have been examined and I am in a position to inform you that such appropriate executive action may be necessary to give effect to them will be taken. I have been in close touch with the Chief Minister of the State who is in agreement with the approach in regard to political co-operation with you and the understanding reached about the relationship of the State with the Union.

The Central Government would undoubtedly continue to co-operate with the State Government fully in respect of measures to be undertaken by the State Government to further the progress and welfare of the people of the State, which is of equal concern to the Central Government.

As pointed out by you, the country is passing through a critical period and it is a matter of great satisfaction to me that a person of your stature who made an outstanding

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contribution during the freedom struggle should come forward again and co-operate in the task of strengthening the national and sustaining the ideals.

Yours sincerely,
Sd/-
(Indira Gandhi)

Sheikh Mohd. Abdullah,
3, Kotla Lane,
New Delhi.

Copies of Collateral letters

November 13, 1974.

Dear Shri Parthasarathi,
In the course of our discussion, I made a proposal that appeals to the Supreme Court under Article 132 of the Constitution of India from the decision of the High Court of Jammu and Kashmir, should lie only on a certificate under clause (1) of that Article. After a detailed discussion on this, you had agreed to the proposal and stated that it can be implemented by order under Article 370 making suitable modification or the modifications made under Article 367.

Kindly acknowledge receipt of this letter.

Yours sincerely,
Sd/-
(Mirza Mohammad Afzal)

Shri G. Parthasarathi,
31, Aurangzeb Road,
New Delhi.

Dear Beg Saheb,

I acknowledge receipt of your letter dated the 13th November, 1974. The proposal referred to therein was discussed between us at length and agreed to by me. It can be implemented by an appropriate Order of the president in accordance with the procedure prescribed under Article 370.

Yours sincerely,
Sd/-
(G. Parthasarathi)

Mirza Mohammad Afzal Beg,
Camp : New Delhi.

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